



Senator Fred Dyson

SPONSOR STATEMENT

SB 172 – An Act Relating to Health Care Decisions, Including Do Not Resuscitate Orders

The purpose of this bill is to provide for the protection of a patient’s right to prevent a physician from issuing a Do Not Resuscitate (DNR) order on the patient without the expressed consent of that patient, or if the patient lacks capacity, without the expressed consent of the authorized agent of the patient, or, if no one is available or known to be authorized to speak for the patient and the patient lacks capacity, without the concurrence of a second physician.

In 2004 the Alaska Legislature drafted the current AS 13.52 *Health Care Decisions Act*. The Legislature included language in AS 13.52.120(a) establishing a *presumption in favor of life*. Legislative Legal states the language of the Health Care Decision Act, when read in its entirety, supports interpreting the chapter to allow a patient (or the patient’s authorized representative) to prevent a physician from issuing a DNR order, but that ambiguities in the chapter could result in other interpretations.

This ambiguity in statute allows unnecessary emotional and mental anguish to Alaskan residents faced with critical end of life decisions. SB 172 clarifies the authority of DNR decisions with respect to patients and physicians, and amends the Alaska Health Care Directive form to allow patients to accept or refuse life-sustaining procedures.

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