

**SUBSTITUTE FOR
SENATE BILL NO. 784**

A bill to amend 1996 PA 193, entitled "Michigan do-not-resuscitate procedure act," by amending sections 2, 3a, 4, 8, 9, 10, and 11 (MCL 333.1052, 333.1053a, 333.1054, 333.1058, 333.1059, 333.1060, and 333.1061), sections 2 and 11 as amended by 2017 PA 157 and section 3a as added and sections 4, 8, 9, and 10 as amended by 2013 PA 155, and by adding section 3b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Actual notice" includes the physical presentation of an
3 order, a revocation of an order, or another written document
4 authorized under this act from or on behalf of a declarant.

5 **(B) "ADVANCED ILLNESS" MEANS A MEDICAL OR SURGICAL CONDITION**
6 **WITH SIGNIFICANT FUNCTIONAL IMPAIRMENT THAT IS NOT REVERSIBLE BY**

1 CURATIVE THERAPIES AND THAT IS ANTICIPATED TO PROGRESS TOWARD
2 DEATH DESPITE ATTEMPTS AT CURATIVE THERAPIES OR MODULATION.

3 (C) ~~(b)~~—"Attending physician" means the physician who has
4 primary responsibility for the treatment and care of a declarant.

5 (D) ~~(e)~~—"Declarant" means an individual who has executed a
6 do-not-resuscitate order on his or her own behalf or on whose
7 behalf a do-not-resuscitate order has been executed as provided
8 in this act.

9 (E) ~~(d)~~—"Delegatee" means an individual to whom a physician
10 has delegated the authority to perform 1 or more selected acts,
11 tasks, or functions under section 16215 of the public health
12 code, MCL 333.16215.

13 (F) ~~(e)~~—"Do-not-resuscitate identification bracelet" or
14 "identification bracelet" means a wrist bracelet that meets the
15 requirements of section 7 and that is worn by a declarant while a
16 do-not-resuscitate order is in effect.

17 (G) ~~(f)~~—"Do-not-resuscitate order" or "order" means a
18 document executed under this act directing that, if an individual
19 suffers cessation of both spontaneous respiration and circulation
20 in a setting outside of a hospital, resuscitation will not be
21 initiated.

22 (H) ~~(g)~~—"Emergency medical technician" means that term as
23 defined in section 20904 of the public health code, MCL
24 333.20904.

25 (I) ~~(h)~~—"Emergency medical technician specialist" means that
26 term as defined in section 20904 of the public health code, MCL
27 333.20904.

1 (J) ~~(i)~~ "Guardian" means that term as defined in section
2 1104 of the estates and protected individuals code, 1998 PA 386,
3 MCL 700.1104.

4 (K) ~~(j)~~ "Hospital" means that term as defined in section
5 20106 of the public health code, MCL 333.20106.

6 (L) ~~(k)~~ "Medical first responder" means that term as defined
7 in section 20906 of the public health code, MCL 333.20906.

8 (M) **"MINOR CHILD" MEANS AN INDIVIDUAL WHO IS LESS THAN 18**
9 **YEARS OF AGE, HAS BEEN DIAGNOSED BY AN ATTENDING PHYSICIAN AS**
10 **HAVING AN ADVANCED ILLNESS, AND IS NOT EMANCIPATED BY OPERATION**
11 **OF LAW AS PROVIDED IN SECTION 4 OF 1968 PA 293, MCL 722.4.**

12 (N) ~~(l)~~ "Nurse" means an individual **WHO IS** licensed or
13 otherwise authorized to engage in the practice of nursing or
14 practice of nursing as a licensed practical nurse under part 172
15 of the public health code, MCL 333.17201 to 333.17242.

16 (O) ~~(m)~~ "Organization" means a company, corporation, firm,
17 partnership, association, trust, or other business entity or a
18 governmental agency.

19 (P) ~~(n)~~ "Paramedic" means that term as defined in section
20 20908 of the public health code, MCL 333.20908.

21 (Q) **"PARENT" MEANS THE NATURAL OR ADOPTIVE PARENT OF A MINOR**
22 **CHILD WHO POSSESSES LEGAL DECISION-MAKING AUTHORITY AS TO THE**
23 **IMPORTANT DECISIONS AFFECTING THE WELFARE OF THE MINOR CHILD.**

24 (R) ~~(o)~~ "Patient advocate" means an individual **WHO IS**
25 designated to make medical treatment decisions for a patient
26 under sections 5506 to 5515 of the estates and protected
27 individuals code, 1998 PA 386, MCL 700.5506 to 700.5515.

1 (S) ~~(p)~~ "Physician" means an individual WHO IS licensed or
2 otherwise authorized to engage in the practice of medicine or the
3 practice of osteopathic medicine and surgery under article 15 of
4 the public health code, MCL 333.16101 to 333.18838.

5 (T) ~~(q)~~ "Physician's assistant" means an individual who is
6 licensed as a physician's assistant under part 170 or part 175 of
7 the public health code, MCL 333.17001 to 333.17084 and 333.17501
8 to 333.17556.

9 (U) ~~(r)~~ "Public health code" means the public health code,
10 1978 PA 368, MCL 333.1101 to 333.25211.

11 (V) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (W),
12 "RESUSCITATE" MEANS PERFORM CARDIOPULMONARY RESUSCITATION OR A
13 COMPONENT OF CARDIOPULMONARY RESUSCITATION, INCLUDING, BUT NOT
14 LIMITED TO, ANY OF THE FOLLOWING:

15 (i) CARDIAC COMPRESSION.

16 (ii) ENDOTRACHEAL INTUBATION OR OTHER ADVANCED AIRWAY
17 MANAGEMENT.

18 (iii) ARTIFICIAL VENTILATION.

19 (iv) DEFIBRILLATION.

20 (v) THE ADMINISTRATION OF A CARDIAC RESUSCITATION
21 MEDICATION.

22 (vi) ANOTHER RELATED PROCEDURE.

23 (W) "RESUSCITATE" DOES NOT INCLUDE THE HEIMLICH MANEUVER OR
24 A SIMILAR PROCEDURE USED TO EXPEL AN OBSTRUCTION FROM AN
25 INDIVIDUAL'S THROAT.

26 (X) "SCHOOL" MEANS A NONPUBLIC SCHOOL OR A PUBLIC SCHOOL AS
27 THOSE TERMS ARE DEFINED IN SECTION 5 OF THE REVISED SCHOOL CODE,

1 1976 PA 451, MCL 380.5.

2 (Y) ~~(s)~~-"Vital sign" means a pulse or evidence of
3 respiration.

4 (Z) ~~(t)~~-"Ward" means that term as defined in section 1108 of
5 the estates and protected individuals code, 1998 PA 386, MCL
6 700.1108.

7 Sec. 3a. (1) A guardian with the power to execute a do-not-
8 resuscitate order under section 5314 of the estates and protected
9 individuals code, 1998 PA 386, MCL 700.5314, may execute a do-
10 not-resuscitate order on behalf of a ward **WHO IS NOT A MINOR**
11 **CHILD** after complying with section 5314 of the estates and
12 protected individuals code, 1998 PA 386, MCL 700.5314. **A GUARDIAN**
13 **OF A WARD WHO IS A MINOR CHILD MAY EXECUTE A DO-NOT-RESUSCITATE**
14 **ORDER ON BEHALF OF THE WARD.**

15 (2) An order executed under this section ~~shall~~**MUST** be on a
16 form described in section 4. The order ~~shall~~**MUST** be dated, and
17 executed voluntarily, and signed by each of the following
18 individuals:

19 (a) The guardian.

20 (b) The ward's attending physician.

21 (c) Two witnesses 18 years of age or older, ~~at least 1~~**EACH**
22 of whom is not the ward's spouse, parent, child, grandchild,
23 sibling, or presumptive heir.

24 (3) The names of all signatories ~~shall~~**MUST** be printed or
25 typed below the corresponding signatures. A witness shall not
26 sign an order unless the guardian appears to the witness to be of
27 sound mind and under no duress, fraud, or undue influence.

1 (4) At any time after an order is signed and witnessed, the
 2 guardian, the attending physician or his or her delegatee, or an
 3 individual designated by the guardian may apply an identification
 4 bracelet to the ward's wrist.

5 (5) A guardian who executes an order under this section
 6 shall ~~maintain~~ **DO ALL OF THE FOLLOWING:**

7 (A) **MAINTAIN** possession of the order. ~~and shall have~~

8 (B) **HAVE** the order accessible within the ward's place of
 9 residence or other setting outside of a hospital. ~~or, if~~

10 (C) **IF** applicable, provide a copy of the order to the
 11 ~~administrator of~~ **THE FOLLOWING:**

12 (i) **THE ADMINISTRATOR OF THE WARD'S SCHOOL OR TO THE**
 13 **ADMINISTRATOR'S DESIGNEE.**

14 (ii) **THE ADMINISTRATOR OF** a facility in which the ward is a
 15 patient or resident or to the administrator's designee.

16 **SEC. 3B. (1) A PARENT MAY EXECUTE A DO-NOT-RESUSCITATE ORDER**
 17 **ON BEHALF OF HIS OR HER MINOR CHILD. IF THE PARENT SHARES WITH**
 18 **ANOTHER PARENT LEGAL DECISION-MAKING AUTHORITY AS TO THE**
 19 **IMPORTANT DECISIONS AFFECTING THE WELFARE OF THE MINOR CHILD,**
 20 **BOTH PARENTS OF THE MINOR CHILD MUST EXECUTE THE ORDER.**

21 (2) **AN ORDER EXECUTED UNDER THIS SECTION MUST BE ON A FORM**
 22 **DESCRIBED IN SECTION 4. THE ORDER MUST BE DATED, EXECUTED**
 23 **VOLUNTARILY, AND SIGNED BY EACH OF THE FOLLOWING INDIVIDUALS:**

24 (A) **THE PARENT OR, IF REQUIRED UNDER SUBSECTION (1), BOTH**
 25 **PARENTS OF THE MINOR CHILD.**

26 (B) **THE MINOR CHILD'S ATTENDING PHYSICIAN.**

27 (C) **TWO WITNESSES 18 YEARS OF AGE OR OLDER, EACH OF WHOM IS**

1 NOT THE MINOR CHILD'S PARENT, CHILD, GRANDCHILD, SIBLING, OR
2 PRESUMPTIVE HEIR.

3 (3) THE NAMES OF ALL SIGNATORIES MUST BE PRINTED OR TYPED
4 BELOW THE CORRESPONDING SIGNATURES. A WITNESS SHALL NOT SIGN AN
5 ORDER UNLESS THE PARENT APPEARS OR, IF REQUIRED UNDER SUBSECTION
6 (1), BOTH PARENTS OF THE MINOR CHILD APPEAR, TO THE WITNESS TO BE
7 OF SOUND MIND AND UNDER NO DURESS, FRAUD, OR UNDUE INFLUENCE.

8 (4) AT ANY TIME AFTER AN ORDER IS SIGNED AND WITNESSED, THE
9 PARENT, THE ATTENDING PHYSICIAN OR HIS OR HER DELEGATEE, OR AN
10 INDIVIDUAL DESIGNATED BY THE PARENT MAY APPLY AN IDENTIFICATION
11 BRACELET TO THE MINOR CHILD'S WRIST.

12 (5) A PARENT WHO EXECUTES AN ORDER UNDER THIS SECTION SHALL
13 DO ALL OF THE FOLLOWING:

14 (A) MAINTAIN POSSESSION OF THE ORDER.

15 (B) HAVE THE ORDER ACCESSIBLE WITHIN THE MINOR CHILD'S PLACE
16 OF RESIDENCE OR OTHER SETTING OUTSIDE OF A HOSPITAL.

17 (C) IF APPLICABLE, PROVIDE A COPY OF THE ORDER TO THE
18 FOLLOWING:

19 (i) THE ADMINISTRATOR OF THE MINOR CHILD'S SCHOOL OR TO THE
20 ADMINISTRATOR'S DESIGNEE.

21 (ii) THE ADMINISTRATOR OF A FACILITY IN WHICH THE MINOR CHILD
22 IS A PATIENT OR RESIDENT OR TO THE ADMINISTRATOR'S DESIGNEE.

23 Sec. 4. A do-not-resuscitate order executed under section 3,
24 ~~or 3a, shall~~ OR 3B MUST include, but is not limited to, the
25 following language, and ~~shall~~ MUST be in substantially the
26 following form:

"DO-NOT-RESUSCITATE ORDER

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This do-not-resuscitate order is issued by
_____, attending physician for
_____.
(Type or print declarant's, ~~ex~~-ward's, OR **MINOR CHILD'S** name)

Use the appropriate consent section below:

A. DECLARANT CONSENT

I have discussed my health status with my physician named
above. I request that in the event my heart and breathing should
stop, no person shall attempt to resuscitate me.

This order will remain in effect until it is revoked as
provided by law.

Being of sound mind, I voluntarily execute this order, and
I understand its full import.

(Declarant's signature) (Date)

(Signature of person who signed for
declarant, if applicable) (Date)

(Type or print full name)

B. PATIENT ADVOCATE CONSENT

I authorize that in the event the declarant's heart and
breathing should stop, no person shall attempt to resuscitate
the declarant. I understand the full import of this order and
assume responsibility for its execution. This order will remain
in effect until it is revoked as provided by law.

(Patient advocate's signature) (Date)

(Type or print patient advocate's name)

C. PARENT CONSENT

1 I AUTHORIZE THAT IN THE EVENT THE MINOR CHILD'S HEART AND
2 BREATHING SHOULD STOP, NO PERSON SHALL ATTEMPT TO RESUSCITATE
3 THE MINOR CHILD. I UNDERSTAND THE FULL IMPORT OF THIS ORDER AND
4 ASSUME RESPONSIBILITY FOR ITS EXECUTION. THIS ORDER WILL REMAIN
5 IN EFFECT UNTIL IT IS REVOKED AS PROVIDED BY LAW.

6 _____
7 (PARENT'S SIGNATURE) (DATE)

8 _____
9 (TYPE OR PRINT PARENT'S NAME)

10 _____
11 (PARENT'S SIGNATURE) (DATE)

12 _____
13 (TYPE OR PRINT PARENT'S NAME)

14 D. ~~C.~~ GUARDIAN CONSENT

15 I authorize that in the event the ward's heart and breathing
16 should stop, no person shall attempt to resuscitate the ward.
17 I understand the full import of this order and assume
18 responsibility for its execution. This order will remain in
19 effect until it is revoked as provided by law.

20 _____
21 (Guardian's signature) (Date)

22 _____
23 (Type or print guardian's name)

24 _____
25 (Physician's signature) (Date)

26 _____
27 (Type or print physician's full name)

28

29 ATTESTATION OF WITNESSES

30 The individual who has executed this order appears to be of
31 sound mind, and under no duress, fraud, or undue influence.
32 Upon executing this order, the declarant has (has not) received

1 an identification bracelet.

2 _____
3 (Witness signature) (Date) (Witness signature) (Date)
4 _____
5 (Type or print witness's name) (Type or print witness's name)

6

7 **THIS FORM WAS PREPARED PURSUANT TO, AND IS IN COMPLIANCE WITH,**
8 **THE MICHIGAN DO-NOT-RESUSCITATE PROCEDURE ACT."**

9 Sec. 8. An attending physician who signs a declarant's do-
10 not-resuscitate order under section 3, ~~or 3a~~, **OR 3B** shall
11 immediately obtain a copy or a duplicate of the executed order
12 and make that copy or duplicate part of the declarant's permanent
13 medical record.

14 Sec. 9. If a person interested in the welfare of the
15 declarant has reason to believe that an order has been executed
16 contrary to the wishes of the declarant or, if the declarant is a
17 ward **INCLUDING A WARD WHO IS A MINOR CHILD**, contrary to the
18 wishes or best interests of the ward, the person may petition the
19 probate court to have the order and the conditions of its
20 execution reviewed. If the probate court finds that an order has
21 been executed contrary to the wishes of the declarant or, if the
22 declarant is a ward **INCLUDING A WARD WHO IS A MINOR CHILD**,
23 contrary to the wishes or best interests of the ward, the probate
24 court shall issue an injunction voiding the effectiveness of the
25 order and prohibiting compliance with the order.

26 Sec. 10. (1) A declarant may revoke an order executed by
27 himself or herself or executed on his or her behalf at any time
28 and in any manner by which he or she is able to communicate his

1 or her intent to revoke the order. If the declarant's revocation
2 is not in writing, an individual who observes the declarant's
3 revocation of the order shall describe the circumstances of the
4 revocation in writing, sign the writing, and deliver the writing
5 to the declarant's attending physician or his or her delegatee
6 and, if the declarant is a patient or resident of a facility **OR A**
7 **PUPIL OF A SCHOOL**, to the administrator of the facility **OR SCHOOL**
8 or the administrator's designee. A patient advocate, **PARENT**, or
9 guardian may revoke an order on behalf of a declarant at any time
10 by issuing the revocation in writing and provide actual notice of
11 the revocation by delivering the written revocation to the
12 declarant's attending physician or his or her delegatee and, if
13 the declarant is a patient or resident of a facility **OR A PUPIL**
14 **OF A SCHOOL**, to the administrator of the facility **OR SCHOOL** or
15 the administrator's designee. Upon revocation, the declarant,
16 patient advocate, **PARENT**, guardian, or attending physician or his
17 or her delegatee who has actual notice of a revocation of an
18 order under this section shall do all of the following:

19 (a) Write "void" on all pages of the order.

20 (b) If applicable, remove the declarant's do-not-resuscitate
21 identification bracelet.

22 (2) A physician or his or her delegatee who receives actual
23 notice of a revocation of an order shall immediately make the
24 revocation, including, if available, the written description of
25 the circumstances of the revocation required by subsection (1),
26 part of the declarant's permanent medical record. The
27 administrator of a facility or his or her designee who receives

1 actual notice of a revocation of an order of a declarant who is a
2 patient or resident of the facility shall immediately make the
3 revocation part of the patient's or resident's permanent medical
4 record. **THE ADMINISTRATOR OF A SCHOOL OR HIS OR HER DESIGNEE WHO**
5 **RECEIVES ACTUAL NOTICE OF A REVOCATION OF AN ORDER OF A DECLARANT**
6 **WHO IS A PUPIL OF THE SCHOOL SHALL IMMEDIATELY MAKE THE**
7 **REVOCATION PART OF THE PUPIL'S SCHOOL FILE AND PLACE THE**
8 **REVOCATION IN THE FILE CREATED UNDER SECTION 1180(1)(A) OF THE**
9 **REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1180.**

10 (3) A revocation of an order under this section is binding
11 upon another person at the time that other person receives actual
12 notice of the revocation.

13 Sec. 11. (1) One or more of the following health
14 professionals who arrive at a declarant's location outside of a
15 hospital shall determine if the declarant has 1 or more vital
16 signs, whether or not the health professional views or has actual
17 notice of an order that is alleged to have been executed by the
18 declarant or other person authorized to execute an order on the
19 declarant's behalf:

- 20 (a) A paramedic.
21 (b) An emergency medical technician.
22 (c) An emergency medical technician specialist.
23 (d) A physician.
24 (e) A nurse.
25 (f) A medical first responder.
26 (g) A respiratory therapist.
27 (h) A physician's assistant.

1 (2) If the health professional determines under subsection
2 (1) that the declarant has no vital signs, and if the health
3 professional determines that the declarant is wearing a do-not-
4 resuscitate identification bracelet or has actual notice of a do-
5 not-resuscitate order for the declarant, subject to section 11a,
6 the health professional shall not attempt to resuscitate the
7 declarant.

8 (3) IF THE DECLARANT IS A MINOR CHILD WHO IS ENROLLED AND
9 LOCATED AT A SCHOOL, AN INDIVIDUAL WHO DETERMINES THAT THE
10 DECLARANT IS WEARING A DO-NOT-RESUSCITATE IDENTIFICATION BRACELET
11 OR HAS ACTUAL NOTICE OF A DO-NOT-RESUSCITATE ORDER FOR THE
12 DECLARANT SHALL NOT ATTEMPT TO RESUSCITATE THE DECLARANT BEFORE A
13 HEALTH PROFESSIONAL DESCRIBED IN SUBSECTION (1) ARRIVES AT THE
14 DECLARANT'S LOCATION.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.

17 Enacting section 2. This amendatory act does not take effect
18 unless Senate Bill No. 827 of the 99th Legislature is enacted
19 into law.