

SB0083S01 compared with SB0083

~~{deleted text}~~ shows text that was in SB0083 but was deleted in SB0083S01.

inserted text shows text that was not in SB0083 but was inserted into SB0083S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Jani Iwamoto proposes the following substitute bill:

LIFE WITH DIGNITY ORDER AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to life with dignity orders.

Highlighted Provisions:

This bill:

- ▶ requires the Department of Health to designate a uniform life with dignity order that is developed by a nationally recognized entity;
- ~~{~~ → ~~authorizes the Department of Health to designate an electronic registry system for life with dignity orders by rule;~~
- { ▶ applies the provisions of the Uniform Electronic Transactions Act to signatures that are required on a life with dignity order; and
- ▶ allows a verbal confirmation to satisfy the requirement for a signature on a life with dignity form under limited circumstances.

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Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

75-2a-106, as last amended by Laws of Utah 2009, Chapter 99

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **75-2a-106** is amended to read:

75-2a-106. Emergency medical services -- Life with dignity order.

(1) A life with dignity order may be created by or on behalf of a person as described in this section.

(2) A life with dignity order shall, in consultation with the person authorized to consent to the order pursuant to this section, be prepared by:

(a) the physician, APRN, or, subject to Subsection (11), physician assistant of the person to whom the life with dignity order relates; or

(b) a health care provider who:

(i) is acting under the supervision of a person described in Subsection (2)(a); and

(ii) is:

(A) a nurse, licensed under Title 58, Chapter 31b, Nurse Practice Act;

(B) a physician assistant, licensed under Title 58, Chapter 70a, Utah Physician

Assistant Act;

(C) a mental health professional, licensed under Title 58, Chapter 60, Mental Health Professional Practice Act; or

(D) another health care provider, designated by rule as described in Subsection (10).

(3) A life with dignity order shall be signed:

(a) personally, by the physician, APRN, or, subject to Subsection (11), physician assistant of the person to whom the life with dignity order relates; and

(b) (i) if the person to whom the life with dignity order relates is an adult with health care decision making capacity, by:

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(A) the person; or

(B) an adult who is directed by the person to sign the life with dignity order on behalf of the person;

(ii) if the person to whom the life with dignity order relates is an adult who lacks health care decision making capacity, by:

(A) the surrogate with the highest priority under Section 75-2a-111;

(B) the majority of the class of surrogates with the highest priority under Section 75-2a-111; or

(C) a person directed to sign the order by, and on behalf of, the persons described in Subsection (3)(b)(ii)(A) or (B); or

(iii) if the person to whom the life with dignity order relates is a minor, by a parent or guardian of the minor.

(4) If a life with dignity order relates to a minor and directs that life sustaining treatment be withheld or withdrawn from the minor, the order shall include a certification by two physicians that, in their clinical judgment, an order to withhold or withdraw life sustaining treatment is in the best interest of the minor.

(5) A life with dignity order:

(a) shall be in writing^[7]:

(i) on a form ~~[approved]~~ designated by the Department of Health; or

(ii) on a physical or electronic uniform life with dignity order form that is developed by a nationally recognized entity and designated by the Department of Health; ~~{ or }~~

~~{ — (iii) if an electronic registry system is designated by the Department of Health under Subsection (10)(b), through the system approved by the Department of Health;~~

~~{~~ (b) shall state the date on which the order was made;

(c) may specify the level of life sustaining care to be provided to the person to whom the order relates; and

(d) may direct that life sustaining care be withheld or withdrawn from the person to whom the order relates.

(6) A health care provider or emergency medical service provider, licensed or certified under Title 26, Chapter 8a, Utah Emergency Medical Services System Act, is immune from civil or criminal liability, and is not subject to discipline for unprofessional conduct, for:

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(a) complying with a life with dignity order in good faith; or

(b) providing life sustaining treatment to a person when a life with dignity order directs that the life sustaining treatment be withheld or withdrawn.

(7) To the extent that the provisions of a life with dignity order described in this section conflict with the provisions of an advance health care directive made under Section 75-2a-107, the provisions of the life with dignity order take precedence.

(8) An adult, or a parent or guardian of a minor, may revoke a life with dignity order by:

(a) orally informing emergency service personnel;

(b) writing "void" across the form;

(c) burning, tearing, or otherwise destroying or defacing:

(i) the form; or

(ii) a bracelet or other evidence of the life with dignity order;

(d) asking another adult to take the action described in this Subsection (8) on the person's behalf;

(e) signing or directing another adult to sign a written revocation on the person's behalf;

(f) stating, in the presence of an adult witness, that the person wishes to revoke the order; or

(g) completing a new life with dignity order.

(9) (a) Except as provided in Subsection (9)(c), a surrogate for an adult who lacks health care decision making capacity may only revoke a life with dignity order if the revocation is consistent with the substituted judgment standard.

(b) Except as provided in Subsection (9)(c), a surrogate who has authority under this section to sign a life with dignity order may revoke a life with dignity order, in accordance with Subsection (9)(a), by:

(i) signing a written revocation of the life with dignity order; or

(ii) completing and signing a new life with dignity order.

(c) A surrogate may not revoke a life with dignity order during the period of time beginning when an emergency service provider is contacted for assistance, and ending when the emergency ends.

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(10) (a) The Department of Health shall ~~[adopt]~~ make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(i) create the forms and systems described in Subsection (5)(a)(i) in accordance with the provisions of this section; ~~[and]~~

(ii) designate a life with dignity order form as described in Subsection (5)(a)(ii); and

~~[(ii)]~~ (iii) develop uniform instructions for the form established in Section 75-2a-117.

(b) The Department of Health may ~~[adopt]~~ make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ~~to~~

~~—— (i) } designate health care professionals, in addition to those described in Subsection (2)(b)(ii), who may prepare a life with dignity order { } . { } . and~~

~~—— (ii) designate an electronic registry system for life with dignity orders under Subsection (5)(a)(ii). }~~

(c) The Department of Health may assist others with training of health care professionals regarding this chapter.

(11) A physician assistant may not prepare or sign a life with dignity order, unless the physician assistant is permitted to prepare or sign the life with dignity order under the physician assistant's delegation of services agreement, as defined in Section 58-70a-102.

(12) (a) Notwithstanding any other provision of this section:

(i) the provisions of Title 46, Chapter 4, Uniform Electronic Transactions Act, apply to any signature required on the life with dignity order; and

(ii) a verbal confirmation satisfies the requirement for a signature from an individual under Subsection (3)(b)(ii) or (iii), if:

(A) requiring the individual described in Subsection (3)(b)(i)(B), (ii), or (iii) to sign the life with dignity order in person or electronically would require significant difficulty or expense; and

(B) a licensed health care provider witnesses the verbal confirmation and signs the life with dignity order attesting that the health care provider witnessed the verbal confirmation.

(b) The health care provider described in Subsection (12)(a)(ii)(B) may not be the same individual who signs the life with dignity order under Subsection (3)(a).