

FIRST REGULAR SESSION

HOUSE BILL NO. 439

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NOLTE (Sponsor), NANCE AND ALLEN (Co-sponsors).

1297L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.600, 190.606, 190.612, and 302.171, RSMo, and to enact in lieu thereof four new sections relating to outside the hospital do-not-resuscitate orders.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 190.600, 190.606, 190.612, and 302.171, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 190.600, 190.606, 190.612,
3 and 302.171, to read as follows:

190.600. 1. Sections 190.600 to 190.621 shall be known and may be cited as the
2 "Outside the Hospital Do-Not-Resuscitate Act".

3 2. As used in sections 190.600 to 190.621, unless the context clearly requires otherwise,
4 the following terms shall mean:

5 (1) "Attending physician":

6 (a) A physician licensed under chapter 334 selected by or assigned to a patient who has
7 primary responsibility for treatment and care of the patient; or

8 (b) If more than one physician shares responsibility for the treatment and care of a
9 patient, one such physician who has been designated the attending physician by the patient or the
10 patient's representative shall serve as the attending physician;

11 (2) "Cardiopulmonary resuscitation" or "CPR", emergency medical treatment
12 administered to a patient in the event of the patient's cardiac or respiratory arrest, and shall
13 include cardiac compression, endotracheal intubation and other advanced airway management,
14 artificial ventilation, defibrillation, administration of cardiac resuscitation medications, and
15 related procedures;

16 (3) "Department", the department of health and senior services;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (4) "Emergency medical services personnel", paid or volunteer firefighters, law
18 enforcement officers, first responders, emergency medical technicians, or other emergency
19 service personnel acting within the ordinary course and scope of their professions, but excluding
20 physicians;

21 (5) "Health care facility", any institution, building, or agency or portion thereof, private
22 or public, excluding federal facilities and hospitals, whether organized for profit or not, used,
23 operated, or designed to provide health services, medical treatment, or nursing, rehabilitative,
24 or preventive care to any person or persons. Health care facility includes but is not limited to
25 ambulatory surgical facilities, health maintenance organizations, home health agencies, hospices,
26 infirmaries, renal dialysis centers, long-term care facilities licensed under sections 198.003 to
27 198.186, medical assistance facilities, mental health centers, outpatient facilities, public health
28 centers, rehabilitation facilities, and residential treatment facilities;

29 (6) "Hospital", a place devoted primarily to the maintenance and operation of facilities
30 for the diagnosis, treatment, or care for not less than twenty-four consecutive hours in any week
31 of three or more nonrelated individuals suffering from illness, disease, injury, deformity, or other
32 abnormal physical conditions; or a place devoted primarily to provide for not less than
33 twenty-four consecutive hours in any week medical or nursing care for three or more nonrelated
34 individuals. Hospital does not include any long-term care facility licensed under sections
35 198.003 to 198.186;

36 (7) **"Outside the hospital do-not-resuscitate driver's license indicia", an optional**
37 **standardized symbol, as prescribed in subsection 10 of section 302.171, placed on the**
38 **driver's license of a person with an outside the hospital do-not-resuscitate order issued**
39 **under the provisions of sections 190.600 to 190.621;**

40 (8) "Outside the hospital do-not-resuscitate identification" or "outside the hospital DNR
41 identification", a standardized identification card, bracelet, or necklace of a single color, form,
42 and design as described by rule of the department that signifies that the patient's attending
43 physician has issued an outside the hospital do-not-resuscitate order for the patient and has
44 documented the grounds for the order in the patient's medical file;

45 [(8)] (9) "Outside the hospital do-not-resuscitate order" or "outside the hospital DNR
46 order", a written physician's order signed by the patient and the attending physician, or the
47 patient's representative and the attending physician, in a form promulgated by rule of the
48 department which authorizes emergency medical services personnel to withhold or withdraw
49 cardiopulmonary resuscitation from the patient in the event of cardiac or respiratory arrest;

50 [(9)] (10) "Outside the hospital do-not-resuscitate protocol" or "outside the hospital DNR
51 protocol", a standardized method or procedure promulgated by rule of the department for the

52 withholding or withdrawal of cardiopulmonary resuscitation by emergency medical services
53 personnel from a patient in the event of cardiac or respiratory arrest;

54 [(10)] (11) "Patient", a person eighteen years of age or older who is not incapacitated,
55 as defined in section 475.010, and who is otherwise competent to give informed consent to an
56 outside the hospital do-not-resuscitate order at the time such order is issued, and who, with his
57 or her attending physician, has executed an outside the hospital do-not-resuscitate order under
58 sections 190.600 to 190.621. A person who has a patient's representative shall also be a patient
59 for the purposes of sections 190.600 to 190.621, if the person or the person's patient's
60 representative has executed an outside the hospital do-not-resuscitate order under sections
61 190.600 to 190.621;

62 [(11)] (12) "Patient's representative":

63 (a) An attorney in fact designated in a durable power of attorney for health care for a
64 patient determined to be incapacitated under sections 404.800 to 404.872; or

65 (b) A guardian or limited guardian appointed under chapter 475 to have responsibility
66 for an incapacitated patient.

190.606. The following persons and entities shall not be subject to civil, criminal, or
2 administrative liability and are not guilty of unprofessional conduct for the following acts or
3 omissions that follow discovery of an outside the hospital do-not-resuscitate identification, **or**
4 **a driver's license indicating the presence of an outside the hospital do-not-resuscitate order,**
5 upon a patient; provided that the acts or omissions are done in good faith and in accordance with
6 the provisions of sections 190.600 to 190.621 and the provisions of an outside the hospital
7 do-not-resuscitate order executed under sections 190.600 to 190.621:

8 (1) Physicians, persons under the direction or authorization of a physician, emergency
9 medical services personnel, or health care facilities that cause or participate in the withholding
10 or withdrawal of cardiopulmonary resuscitation from such patient; and

11 (2) Physicians, persons under the direction or authorization of a physician, emergency
12 medical services personnel, or health care facilities that provide cardiopulmonary resuscitation
13 to such patient under an oral or written request communicated to them by the patient or the
14 patient's representative.

190.612. 1. Emergency medical services personnel are authorized to comply with the
2 outside the hospital do-not-resuscitate protocol when presented with an outside the hospital
3 do-not-resuscitate identification, **a driver's license indicating the presence of an outside the**
4 **hospital do-not-resuscitate order,** or an outside the hospital do-not-resuscitate order. However,
5 emergency medical services personnel shall not comply with an outside the hospital
6 do-not-resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient

7 or patient's representative expresses to such personnel in any manner, before or after the onset
8 of a cardiac or respiratory arrest, the desire to be resuscitated.

9 2. If a physician or a health care facility other than a hospital admits or receives a patient
10 with an outside the hospital do-not-resuscitate identification, **a driver's license indicating the**
11 **presence of an outside the hospital do-not-resuscitate order**, or an outside the hospital
12 do-not-resuscitate order, and the patient or patient's representative has not expressed or does not
13 express to the physician or health care facility the desire to be resuscitated, and the physician or
14 health care facility is unwilling or unable to comply with the outside the hospital
15 do-not-resuscitate order, the physician or health care facility shall take all reasonable steps to
16 transfer the patient to another physician or health care facility where the outside the hospital
17 do-not-resuscitate order will be complied with.

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri
2 resident or national of the United States or a noncitizen with a lawful immigration status[, and
3 a Missouri resident] before accepting the application. The director shall not issue a driver's
4 license for a period that exceeds the duration of an applicant's lawful immigration status in the
5 United States. The director may establish procedures to verify the Missouri residency or United
6 States naturalization or lawful immigration status and Missouri residency of the applicant and
7 establish the duration of any driver's license issued under this section. An application for a
8 license shall be made upon an approved form furnished by the director. Every application shall
9 state the full name, Social Security number, age, height, weight, color of eyes, sex, residence,
10 mailing address of the applicant, and the classification for which the applicant has been licensed,
11 and, if so, when and by what state, and whether or not such license has ever been suspended,
12 revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such
13 suspension, revocation or disqualification and whether the applicant is making a one dollar
14 donation to promote an organ donation program as prescribed in subsection 2 of this section.
15 A driver's license, nondriver's license, or instruction permit issued under this chapter shall
16 contain the applicant's legal name as it appears on a birth certificate or as legally changed through
17 marriage or court order. No name change by common usage based on common law shall be
18 permitted. The application shall also contain such information as the director may require to
19 enable the director to determine the applicant's qualification for driving a motor vehicle; and
20 shall state whether or not the applicant has been convicted in this or any other state for violating
21 the laws of this or any other state or any ordinance of any municipality, relating to driving
22 without a license, careless driving, or driving while intoxicated, or failing to stop after an
23 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's
24 consent. The application shall contain a certification by the applicant as to the truth of the facts
25 stated therein. Every person who applies for a license to operate a motor vehicle who is less than

26 twenty-one years of age shall be provided with educational materials relating to the hazards of
27 driving while intoxicated, including information on penalties imposed by law for violation of the
28 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
29 eighteen years of age, the applicant must comply with all requirements for the issuance of an
30 intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed
31 with the United States Armed Forces, an application under this subsection shall be considered
32 satisfactory by the department of revenue if it is signed by a person who holds general power of
33 attorney executed by the person deployed, provided the applicant meets all other requirements
34 set by the director.

35 2. An applicant for a license may make a donation of one dollar to promote an organ
36 donor program. The director of revenue shall collect the donations and deposit all such
37 donations in the state treasury to the credit of the organ donor program fund established in
38 sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for
39 the purposes established in sections 194.297 to 194.304 except that the department of revenue
40 shall retain no more than one percent for its administrative costs. The donation prescribed in this
41 subsection is voluntary and may be refused by the applicant for the license at the time of issuance
42 or renewal of the license. The director shall make available an informational booklet or other
43 informational sources on the importance of organ and tissue donations to applicants for licensure
44 as designed by the organ donation advisory committee established in sections 194.297 to
45 194.304. The director shall inquire of each applicant at the time the licensee presents the
46 completed application to the director whether the applicant is interested in making the one dollar
47 donation prescribed in this subsection and whether the applicant is interested in inclusion in the
48 organ donor registry and shall also specifically inform the licensee of the ability to consent to
49 organ donation by completing the form on the reverse of the license that the applicant will
50 receive in the manner prescribed by subdivision (1) of subsection 1 of section 194.225. A
51 symbol shall be placed on the front of the document indicating the applicant's desire to be listed
52 in the registry. The director shall notify the department of health and senior services of
53 information obtained from applicants who indicate to the director that they are interested in
54 registry participation, and the department of health and senior services shall enter the complete
55 name, address, date of birth, race, gender and a unique personal identifier in the registry
56 established in subsection 1 of section 194.304.

57 3. An applicant for a license may make a donation of one dollar to promote a blindness
58 education, screening and treatment program. The director of revenue shall collect the donations
59 and deposit all such donations in the state treasury to the credit of the blindness education,
60 screening and treatment program fund established in section 192.935. Moneys in the blindness
61 education, screening and treatment program fund shall be used solely for the purposes

62 established in section 192.935 except that the department of revenue shall retain no more than
63 one percent for its administrative costs. The donation prescribed in this subsection is voluntary
64 and may be refused by the applicant for the license at the time of issuance or renewal of the
65 license. The director shall inquire of each applicant at the time the licensee presents the
66 completed application to the director whether the applicant is interested in making the one dollar
67 donation prescribed in this subsection.

68 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
69 commits fraud or deception during the examination process or who makes application for an
70 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
71 false or fraudulent information or documentation, or who knowingly conceals a material fact or
72 otherwise commits a fraud in any such application. The period of denial shall be one year from
73 the effective date of the denial notice sent by the director. The denial shall become effective ten
74 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
75 person at the last known address shown on the person's driving record. The notice shall be
76 deemed received three days after mailing unless returned by the postal authorities. No such
77 individual shall reapply for a driver's examination, instruction permit, driver's license, or
78 nondriver's license until the period of denial is completed. No individual who is denied the
79 driving privilege under this section shall be eligible for a limited driving privilege issued under
80 section 302.309.

81 5. All appeals of denials under this section shall be made as required by section 302.311.

82 6. The period of limitation for criminal prosecution under this section shall be extended
83 under subdivision (1) of subsection 3 of section 556.036.

84 7. The director may promulgate rules and regulations necessary to administer and enforce
85 this section. No rule or portion of a rule promulgated pursuant to the authority of this section
86 shall become effective unless it has been promulgated pursuant to chapter 536.

87 8. Notwithstanding any provision of this chapter that requires an applicant to provide
88 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial
89 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who
90 was previously issued a Missouri noncommercial driver's license, noncommercial instruction
91 permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

92 9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial
93 driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an
94 applicant's United States birth certificate along with another form of identification approved by
95 the department of revenue, including, but not limited to, United States military identification or
96 United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

97 10. Notwithstanding any other provision of this chapter, if an applicant does not meet
98 the requirements of subsection 8 of this section and does not have the required documents to
99 prove Missouri residency, United States naturalization, or lawful immigration status, the
100 department may issue a one-year driver's license renewal. This one-time renewal shall only be
101 issued to an applicant who previously has held a Missouri noncommercial driver's license,
102 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and
103 who does not have the required documents to prove Missouri residency, United States
104 naturalization, or lawful immigration status. After the expiration of the one-year period, no
105 further renewal shall be provided without the applicant producing proof of Missouri residency,
106 United States naturalization, or lawful immigration status.

107 **11. After presenting a completed application to the director under the provisions**
108 **of this section, any person whose attending physician has issued an outside the hospital do-**
109 **not-resuscitate order may show his or her outside the hospital do-not-resuscitate**
110 **identification, as defined in section 190.600, to the director to have such order documented**
111 **on his or her license. Upon presentation of current outside the hospital do-not-resuscitate**
112 **identification, a symbol shall be placed on the applicant's license indicating that the**
113 **applicant has an outside the hospital do-not-resuscitate order. If at any time a person with**
114 **a do-not-resuscitate order revokes his or her order, such person shall be responsible for**
115 **contacting the department to have the do-not-resuscitate symbol removed from his or her**
116 **license.**