

HB 1246 -- HEALTH CARE DECISIONS

SPONSOR: Jones

This bill specifies that a physician, nurse, or other individual who is a health care provider or an employee of a health care facility is not required to honor a health care decision of a patient, a guardian with health care decision-making authority appointed in accordance with Chapter 475, RSMo, an attorney in fact, or other known person who has the legal authority to make health care decisions for the patient if that decision is contrary to the individual's religious beliefs, or sincerely held moral convictions.

A health care provider or a health care facility is not relieved or exonerated from the duty to provide for the health care, care, and comfort of a patient pending transfer under this section. If withholding or withdrawing certain health care would, in reasonable medical judgment, result in or hasten the death of the patient, the health care must be provided pending completion of the transfer. If such a health care decision directs the provision of life-preserving medical treatment or artificially supplied nutrition and hydration to the patient, the life-preserving medical treatment and artificially supplied nutrition and hydration must not be denied to the patient on the basis of a view that treats extending the life of an elderly, disabled, or terminally ill individual as less valuable than extending the life of an individual who is younger, not disabled, or not terminally ill; or on the basis of the physician's or health care provider's disagreement with how the patient or individual authorized to act on the patient's behalf values the tradeoff between extending the length of the patient's life and the risk of disability.

In an action to enforce these provisions, if the patient or individual authorized to act on the patient's behalf pleads a prima facie case, the health care provider or facility may defend their actions by pleading a legitimate different reason or reasons that provided a basis for the denial of treatment, subject to an opportunity for the patient or individual authorized to act on the patient's behalf to plead that the reason or reasons for the denial of treatment are being applied differently as specified in the bill.