

Act No. 193  
Public Acts of 1996  
Approved by the Governor  
May 13, 1996  
Filed with the Secretary of State  
May 13, 1996

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1996**

Introduced by Senators Schwarz, Shugars, Byrum and O'Brien

# **ENROLLED SENATE BILL No. 452**

AN ACT to provide for the execution of a do-not-resuscitate order for a patient in a setting outside of a hospital, a nursing home, or a mental health facility owned or operated by the department of community health; to provide that certain actions be taken and certain actions not be taken with respect to such an order; to provide for the revocation of a do-not-resuscitate order; to prohibit certain persons and organizations from requiring the execution of such an order as a condition of receiving coverage, benefits, or services; to prohibit certain actions by certain insurers; to exempt certain persons from penalties and liabilities; and to prescribe liabilities.

*The People of the State of Michigan enact:*

Sec. 1. This act shall be known and may be cited as the "Michigan do-not-resuscitate procedure act".

Sec. 2. As used in this act:

(a) "Attending physician" means the physician who has primary responsibility for the treatment and care of a declarant.

(b) "Declarant" means a person who has executed a do-not-resuscitate order or on whose behalf a do-not-resuscitate order has been executed pursuant to section 3 or 5.

(c) "Do-not-resuscitate order" means a document executed pursuant to section 3 or 5 directing that, in the event that a patient suffers cessation of both spontaneous respiration and circulation in a setting outside of a hospital, a nursing home, or a mental health facility owned or operated by the department of community health, no resuscitation will be initiated.

(d) "Do-not-resuscitate identification bracelet" or "identification bracelet" means a wrist bracelet that meets the requirements of section 7 and is worn by the declarant while a do-not-resuscitate order is in effect.

(e) "Emergency medical technician" means that term as defined in section 20904 of the public health code, being section 333.20904 of the Michigan Compiled Laws.

(f) "Emergency medical technician specialist" means that term as defined in section 20904 of the public health code.

(g) "Hospital" means that term as defined in section 20106 of the public health code, being section 333.20106 of the Michigan Compiled Laws.

(h) "Medical first responder" means that term as defined in section 20906 of the public health code, being section 333.20906 of the Michigan Compiled Laws.

(i) "Nurse" means a licensed practical nurse or a registered professional nurse as defined in section 17201 of the public health code, being section 333.17201 of the Michigan Compiled Laws.

(j) "Order" means a do-not-resuscitate order.

(k) "Organization" means a company, corporation, firm, partnership, association, trust, or other business entity or a governmental agency.

(l) "Paramedic" means that term as defined in section 20908 of the public health code, being section 333.20908 of the Michigan Compiled Laws.

(m) "Physician" means an individual licensed to engage in the practice of medicine or the practice of osteopathic medicine and surgery pursuant to article 15 of the public health code, being sections 333.16101 to 333.18838 of the Michigan Compiled Laws.

(n) "Patient advocate" means an individual designated to make medical treatment decisions for a patient under section 496 of the revised probate code, Act No. 642 of the Public Acts of 1978, being section 700.496 of the Michigan Compiled Laws.

(o) "Public health code" means Act No. 368 of the Public Acts of 1978, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws.

(p) "Vital sign" means a pulse or evidence of respiration.

Sec. 3. (1) Subject to section 5, an individual who is 18 years of age or older and of sound mind may execute a do-not-resuscitate order on his or her own behalf. A patient advocate of an individual who is 18 years of age or older may execute a do-not-resuscitate order on behalf of that individual.

(2) An order executed under this section shall be on a form described in section 4. The order shall be dated and executed voluntarily and signed by each of the following persons:

(a) The declarant or another person who, at the time of the signing, is in the presence of the declarant and acting pursuant to the directions of the declarant.

(b) The declarant's attending physician.

(c) Two witnesses 18 years of age or older, at least 1 of whom is not the declarant's spouse, parent, child, grandchild, sibling, or presumptive heir.

(3) The names of the declarant, the attending physician, and each witness shall be printed or typed below the corresponding signatures. A witness shall not sign an order unless the declarant appears to the witness to be of sound mind and under no duress, fraud, or undue influence.

(4) At any time after an order is signed and witnessed, the declarant or an individual designated by the declarant may apply an identification bracelet to the declarant's wrist.

(5) A declarant who executes an order under this section shall maintain possession of the order and shall have the order accessible within his or her place of residence or other setting outside of a hospital, a nursing home, or a mental health facility owned or operated by the department of community health.

Sec. 4. A do-not-resuscitate order executed under section 3 shall include, but is not limited to, the following language, and shall be in substantially the following form:

**"DO-NOT-RESUSCITATE ORDER**

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

This order is effective until it is revoked by me.

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

\_\_\_\_\_  
(Declarant's signature) (Date)

\_\_\_\_\_  
(Type or print declarant's full name)

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

\_\_\_\_\_  
(Type or print full name)

\_\_\_\_\_  
(Physician's signature) (Date)

\_\_\_\_\_  
(Type or print physician's full name)



Sec. 7. (1) A do-not-resuscitate identification bracelet shall possess features that make it clearly recognizable as a do-not-resuscitate identification bracelet including, but not limited to, all of the following:

(a) The identification bracelet shall be imprinted with the words "DO-NOT-RESUSCITATE ORDER", the name and address of the declarant, and the name and telephone number of the declarant's attending physician, if any.

(b) The words required under subdivision (a) shall be printed in a type size and style that is as easily read as practicable, given the size of the identification bracelet.

(2) An individual shall not apply a do-not-resuscitate identification bracelet to another individual unless he or she knows that the other individual is a declarant. An individual who violates this subsection is guilty of a misdemeanor, punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.

Sec. 8. An attending physician who signs a declarant's do-not-resuscitate order under section 3 shall immediately make a copy or obtain from the declarant a duplicate of the executed order and make that copy or duplicate part of the declarant's permanent medical record.

Sec. 9. If a person interested in the welfare of the declarant has reason to believe that an order has been executed contrary to the wishes of the declarant, the person may petition the probate court to have the order and the conditions of its execution reviewed.

Sec. 10. (1) A declarant or a patient advocate who executes an order on behalf of a declarant may revoke an order at any time and in any manner by which he or she is able to communicate an intent to revoke the order. If the revocation is not in writing, a person who observes the revocation shall describe the circumstances of the revocation in writing and sign the writing. Upon revocation, the declarant, patient advocate, or attending physician or a delegatee of the attending physician who has actual notice of the revocation shall destroy the order and remove the declarant's do-not-resuscitate identification bracelet, if the declarant is wearing a do-not-resuscitate identification bracelet.

(2) A physician or physician's delegatee who receives actual notice of a revocation of an order shall immediately make the revocation, including, if available, the written description of the circumstances of the revocation required by subsection (1), part of the revoking declarant's permanent medical record.

(3) A declarant's or patient advocate's revocation of an order is binding upon another person at the time that other person receives actual notice of the revocation.

(4) For purposes of subsections (1) and (2), a "delegatee" is an individual to whom a physician has delegated the authority to perform 1 or more selected acts, tasks, or functions under section 16215 of the public health code, being section 333.16215 of the Michigan Compiled Laws.

Sec. 11. (1) One or more of the following health professionals who arrive at a declarant's location outside of a hospital, a nursing home, or a mental health facility owned or operated by the department of community health shall determine if the declarant has 1 or more vital signs, whether or not the health professional views or is provided with an order described in section 3 or 5 that is alleged to have been signed by the declarant or other person authorized to execute an order:

- (a) A paramedic.
- (b) An emergency medical technician.
- (c) An emergency medical technician specialist.
- (d) A physician.
- (e) A nurse.
- (f) A medical first responder.
- (g) A respiratory therapist.

(2) If the health professional determines under subsection (1) that the declarant has no vital signs, and if the health professional determines that the declarant is wearing a do-not-resuscitate identification bracelet or is provided with a do-not-resuscitate order for the declarant, he or she shall not attempt to resuscitate the declarant.

Sec. 12. A person or organization is not subject to civil or criminal liability for withholding resuscitative procedures from a declarant in accordance with this act.

Sec. 13. A person or organization is not subject to civil or criminal liability for either of the following:

(a) Attempting to resuscitate an individual who has executed a do-not-resuscitate order or on whose behalf an order has been executed, if the person or organization has no actual notice of the order.

(b) Failing to resuscitate an individual who has revoked a do-not-resuscitate order or on whose behalf a do-not-resuscitate order has been revoked, if the person or organization does not receive actual notice of the revocation.

Sec. 14. A person or organization shall not require the execution of an order described in section 3 or 5 as a condition for insurance coverage, admittance to a health care facility, receiving health care benefits or services, or any other reason.

Sec. 15. A life insurer shall not do any of the following because of the execution or implementation of an order:

- (a) Refuse to provide or continue coverage to the declarant.
- (b) Charge the declarant a higher premium.
- (c) Offer a declarant different policy terms because the declarant has executed an order.
- (d) Consider the terms of an existing policy of life insurance to have been breached or modified.
- (e) Invoke a suicide or intentional death exemption or exclusion in a policy covering the declarant.

Sec. 16. (1) The provisions of this act are cumulative and do not impair or supersede a legal right that an individual may have to consent to or refuse medical treatment for himself or herself or that a parent, guardian, or other individual may have to consent to or refuse medical treatment on behalf of another.

(2) This act does not create a presumption concerning the intent of a person executing an order to consent to or refuse medical treatment in circumstances other than the cessation of both spontaneous circulation and respiration.

(3) This act does not create a presumption concerning the intent of an individual who has not executed an order to consent to or refuse any type of medical treatment.

Sec. 17. This act shall take effect August 1, 1996.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved \_\_\_\_\_

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Governor.