

FIRST REGULAR SESSION

HOUSE BILL NO. 440

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIDD.

1018H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to life-sustaining treatment policies of health care facilities.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.250, to read as follows:

191.250. 1. This section shall be known and may be cited as "Simon's Law".

2. As used in this section the following terms shall mean:

(1) "Life-sustaining", procedures, food, medication, or nutrition are life-sustaining if, in reasonable medical judgment, the withdrawal or withholding of such procedures, food, medication, or nutrition would result in or hasten the death of the patient;

(2) "Reasonable medical judgment", a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

3. Upon the request of a patient or resident or a prospective patient or resident, a health care facility, nursing home, or physician shall disclose in writing any policies relating to a patient or resident or the services a patient or resident may receive involving life-sustaining treatment, including any policies related to health care deemed futile, inappropriate, or non-beneficial, within the health care facility or agency.

4. No health care facility, nursing home, physician, nurse, or medical staff shall withhold life-sustaining procedures, food, medication, or nutrition, nor place any restrictions on life-sustaining procedures including, but not limited to, food, medication, or nutrition for any patient, resident, or ward under eighteen years of age who is not

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.

18 emancipated without the written permission of at least one parent or legal guardian of the
19 patient or ward.

20 5. No do-not-resuscitate order or similar physician's order shall be instituted either
21 orally or in writing without the written permission of at least one parent or legal guardian
22 of the patient or resident or prospective patient or resident under eighteen years of age who
23 is not emancipated.

24 6. Permission previously given under subsection 4 or 5 of this section may be
25 revoked in writing by the legal guardian or either parent of the patient. If the parents are
26 unable to agree to withhold life-sustaining procedures, food, medication, nutrition, or
27 resuscitation, either parent may petition a district court of the county in which the patient
28 resides or in which the patient is receiving treatment to resolve the conflict based on a
29 presumption in favor of the provision of life-sustaining procedures, food, medication,
30 nutrition, and resuscitation, unless there is clear and convincing evidence that such
31 provision is contrary to the best interests of the child. Upon receiving such a petition, the
32 district court shall issue an order fixing the date, time, and place of the trial on the petition
33 and order that notice of the trial shall be given to such persons as the court shall direct.
34 The trial may be held forthwith and without notice, if the court determines that holding
35 a trial forthwith and without notice is in the best interests of the petitioner. In the court's
36 discretion, a trial may be conducted in a courtroom, a treatment facility, or at some other
37 suitable place. Pending the final outcome of the proceedings, including any appeals, no
38 permission under subsection 4 or 5 of this section may be implemented.

39 7. Subject to the provisions of subsection 6 of this section, the requirements for
40 written permission in subsections 4 and 5 of this section shall not apply if providing
41 resuscitation, food, medication, or nutrition would be:

42 (1) Futile because, in reasonable medical judgment, withholding resuscitation, food,
43 medication, or nutrition would not cause or hasten the death of the patient; or

44 (2) Medically inappropriate because, in reasonable medical judgment, providing
45 resuscitation, food, medication, or nutrition would create a greater risk of causing or
46 hastening the death of the patient than withholding resuscitation, food, medication, or
47 nutrition.

48 8. Subsection 7 of this section may be implemented, so long as a reasonably diligent
49 effort has been made to contact at least one parent or legal guardian who, if contacted, has
50 been informed of the planned withholding of food, medication, or nutrition or do-not-
51 resuscitate order, and the health care provider has cooperated with the parent or legal
52 guardian's efforts to obtain other medical opinions or a transfer of the patient to a
53 provider selected by the parent or guardian, if so requested.

54 **9. Nothing in this section shall require a health care facility, nursing home, or**
55 **physician to have a written policy relating to or involving life-sustaining or nonbeneficial**
56 **treatment for patients under eighteen years of age who are not emancipated or adult**
57 **patients, residents, or wards.**

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