WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Enrolled

Senate Bill 647

BY SENATORS TAKUBO, MANN, MARONEY, STOLLINGS, AND PLYMALE

[Passed March 7, 2020; in effect 90 days from passage]
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[Passed March 7, 2020; in effect 90 days from passage]
AN ACT to amend and reenact §16-30C-6 of the Code of West Virginia, 1931, as amended, relating to permitting physician's assistants and advanced practice registered nurses to issue do-not-resuscitate orders.

Be it enacted by the Legislature of West Virginia:

ARTICLE 30C. DO NOT RESUSCITATE ACT.

§16-30C-6. Issuance of a do-not-resuscitate order; order to be written by a physician, a physician's assistant, or an advanced practice registered nurse.

(a) An attending physician, a physician's assistant, or an advanced practice registered nurse may issue a do-not-resuscitate order for persons who are present in or residing at home or in a health care facility if the person, representative, or surrogate has consented to the order. A do-not-resuscitate order shall be issued in writing in the form as described in this section for a person not present or residing in a health care facility. For persons present in health care facilities, a do-not-resuscitate order shall be issued in accordance with the policies and procedures of the health care facility or in accordance with the provisions of this article.

(b) Persons may request their physicians, physician's assistants, or advanced practice registered nurses to issue do-not-resuscitate orders for them.

(c) The representative or surrogate decisionmaker may consent to a do-not-resuscitate order for a person with incapacity. A do-not-resuscitate order written by a physician, a physician's assistant, or an advanced practice registered nurse for a person with incapacity with the consent of the representative or surrogate decisionmaker is valid and shall be respected by health care providers.

(d) A parent may consent to a do-not-resuscitate order for his or her minor child, provided that a second physician, physician's assistant, or advanced practice registered nurse who has examined the child concurs with the opinion of the attending physician, physician's assistant, or advanced practice registered nurse that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards. If the minor is between the ages of 16 and 18 and, in the
opinion of the attending physician, physician's assistant, or advanced practice registered nurse
the minor is of sufficient maturity to understand the nature and effect of a do-not-resuscitate order,
then no such order shall be valid without the consent of such minor. In the event of a conflict
between the wishes of the parents or guardians and the wishes of the mature minor, the wishes
of the mature minor shall prevail. For purposes of this section, no minor less than 16 years of age
shall be considered mature. Nothing in this article shall be interpreted to conflict with the
provisions of the Child Abuse Prevention and Treatment Act and implementing regulations at 45
CFR 1340. In the event conflict is unavoidable, federal law and regulation shall govern.

(e) If a surrogate decisionmaker is not reasonably available or capable of making a
decision regarding a do-not-resuscitate order, an attending physician, physician's assistant, or
advance practice registered nurse may issue a do-not-resuscitate order for a person with
incapacity in a health care facility: Provided, That a second physician who has personally
examined the person concurs in the opinion of the attending physician, physician's assistant, or
advanced practice registered nurse that the provision of cardiopulmonary resuscitation would be
contrary to accepted medical standards.

(f) For persons not present or residing in a health care facility, the do-not-resuscitate order
shall be noted on a physician, physician's assistant, or advanced practice registered nurse orders
for scope of treatment form or in the following form on a card suitable for carrying on the person:

Do-Not-Resuscitate Order

"As treating physician, physician's assistant, or advanced practice registered nurse of
____________________________________ and a licensed physician, physician's assistant, or advanced
practice registered nurse, I order that this person SHALL NOT BE RESUSCITATED in the event
of cardiac or respiratory arrest. This order has been discussed with
____________________________________ or his/her representative
____________________________________ or his/her surrogate decisionmaker
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__________________________ who has given consent as evidenced by his/her signature below.

Provider Name

Provider Signature ________________________________

Address _______________________________________

Person Signature _________________________________

Address _______________________________________

Surrogate Decision Maker Signature ______________________

Address _______________________________________

(g) For persons residing in a health care facility, the do-not-resuscitate order shall be reflected in at least one of the following forms:

(1) Forms required by the policies and procedures of the health care facility;

(2) The do-not-resuscitate card as set forth in subsection (f) of this section; or

(3) The physician, physician's assistant, or advanced practice registered nurse orders for scope of treatment form.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]
Chairman, Senate Committee
Chairman, House Committee

Originated in the Senate.
In effect 90 days from passage.

[Signatures]
Clerk of the Senate
Clerk of the House of Delegates

[Signatures]
President of the Senate
Speaker of the House of Delegates

The within is approved this the 25th Day of March 2020.

[Signature]
Governor