

FIRST REGULAR SESSION

# HOUSE BILL NO. 1175

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES NOLTE (Sponsor), PACE, ZERR, NANCE, ATKINS,  
ROORDA AND RUESTMAN (Co-sponsors).

2350L.011

D. ADAM CRUMBLISS, Chief Clerk

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### 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.

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*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Section A. Sections 190.600, 190.606, 190.612, and 302.171, RSMo, are repealed and  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, RSMo, selected by or assigned to a patient  
7 who has 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;

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.

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

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, RSMo, medical assistance facilities, mental health centers, outpatient facilities, public  
28 health 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, RSMo;

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, RSMo, placed on**  
38 **the 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, RSMo, and who is otherwise competent to give informed consent  
56 to an outside the hospital do-not-resuscitate order at the time such order is issued, and who, with  
57 his 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, RSMo; or

65 (b) A guardian or limited guardian appointed under chapter 475, RSMo, to have  
66 responsibility 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. Beginning July 1, 2005, the director shall verify that an applicant for a  
2 driver's license is lawfully present in the United States before accepting the application. The  
3 director shall not issue a driver's license for a period that exceeds an applicant's lawful presence  
4 in the United States. The director may establish procedures to verify the lawful presence of the  
5 applicant and establish the duration of any driver's license issued under this section. An  
6 application for a license shall be made upon an approved form furnished by the director. Every  
7 application shall state the full name, Social Security number, age, height, weight, color of eyes,  
8 sex, residence, mailing address of the applicant, and the classification for which the applicant  
9 has been licensed, and, if so, when and by what state, and whether or not such license has ever  
10 been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and  
11 reason for such suspension, revocation or disqualification and whether the applicant is making  
12 a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this  
13 section. A driver's license, nondriver's license, or instruction permit issued under this chapter  
14 shall contain the applicant's legal name as it appears on a birth certificate or as legally changed  
15 through marriage or court order. No name change by common usage based on common law shall  
16 be permitted. The application shall also contain such information as the director may require to  
17 enable the director to determine the applicant's qualification for driving a motor vehicle; and  
18 shall state whether or not the applicant has been convicted in this or any other state for violating  
19 the laws of this or any other state or any ordinance of any municipality, relating to driving  
20 without a license, careless driving, or driving while intoxicated, or failing to stop after an  
21 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's  
22 consent. The application shall contain a certification by the applicant as to the truth of the facts  
23 stated therein. Every person who applies for a license to operate a motor vehicle who is less than  
24 twenty-one years of age shall be provided with educational materials relating to the hazards of  
25 driving while intoxicated, including information on penalties imposed by law for violation of the

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

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

55       3. An applicant for a license may make a donation of one dollar to promote a blindness  
56 education, screening and treatment program. The director of revenue shall collect the donations  
57 and deposit all such donations in the state treasury to the credit of the blindness education,  
58 screening and treatment program fund established in section 192.935, RSMo. Moneys in the  
59 blindness education, screening and treatment program fund shall be used solely for the purposes  
60 established in section 192.935, RSMo, except that the department of revenue shall retain no more  
61 than one percent for its administrative costs. The donation prescribed in this subsection is

62 voluntary and may be refused by the applicant for the license at the time of issuance or renewal  
63 of the license. The director shall inquire of each applicant at the time the licensee presents the  
64 completed application to the director whether the applicant is interested in making the one dollar  
65 donation prescribed in this subsection.

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

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

80 6. The period of limitation for criminal prosecution under this section shall be extended  
81 under subdivision (1) of subsection 3 of section 556.036, RSMo.

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

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

90 9. Notwithstanding any other provision of this chapter, if an applicant does not meet the  
91 requirements of subsection 8 of this section and does not have the required documents to prove  
92 lawful presence, the department may issue a one-year driver's license renewal. This one-time  
93 renewal shall only be issued to an applicant who previously has held a Missouri noncommercial  
94 driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen  
95 years or more and who does not have the required documents to prove lawful presence. After  
96 the expiration of the one-year period, no further renewal shall be provided without the applicant  
97 producing proof of lawful presence.

98           **10. After presenting a completed application to the director under the provisions**  
99 **of this section, any person whose attending physician has issued an outside the hospital do-**  
100 **not-resuscitate order may show his or her outside the hospital do-not-resuscitate**  
101 **identification, as defined in section 190.600, RSMo, to the director to have such order**  
102 **documented on his or her license. Upon presentation of current outside the hospital do-**  
103 **not-resuscitate identification, a symbol shall be placed on the applicant's license indicating**  
104 **that the applicant has an outside the hospital do-not-resuscitate order. If at any time a**  
105 **person with a do-not-resuscitate order revokes his or her order, such person shall be**  
106 **responsible for contacting the department to have the do-not-resuscitate symbol removed**  
107 **from his or her license.**

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