

HCS HB 1361 -- SIMON'S LAW

SPONSOR: Kidd

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Children and Families by a vote of 9 to 0.

This bill establishes "Simon's Law" that changes the laws regarding life-sustaining treatment policies of health care facilities. For any child who is not under juvenile or family court jurisdiction, a health care facility, nursing home, physician, nurse or medical staff cannot institute a do-not resuscitate order without the consent of at least one parent or guardian, or the resident caregiver, of a minor patient. Oral consent to a do-not-resuscitate order must be given in the presence of two witnesses and must be recorded in the patient's medical record. This consent may be revoked and the revocation must also be recorded in the patient's medical records.

Receiving consent before instituting a do-not-resuscitate order for a minor is not required if a reasonably diligent effort for at least 48 hours has been made without success to contact the parent or legal guardian of the minor patient.

For a child under juvenile court jurisdiction, a juvenile or family court may issue an end-of-life medical decision order or may appoint a guardian, which cannot be Children's Division, of the child for that purpose. In the event that a child under the jurisdiction of a juvenile or family court is returned to the custody of the parent, the parent may revoke the consent for the end-of-life medical decision, which must be recorded in the patient's medical records.

A physician is not required to provide or continue any treatment that would be medically inappropriate because it would create a greater risk of causing or hastening the death of the patient or would be potentially harmful or cause unnecessary pain or injury to the patient. A physician is not required to continue cardiopulmonary resuscitation or manual ventilation when, in reasonable medical judgment, it gives no further benefit to the patient.

This bill is similar to HB 440 (2017) and HB 1915 (2016).

PROPOSERS: Supporters say that although doctors have the knowledge and expertise to offer an opinion regarding a do-not-resuscitate order for a minor child, ultimately it is the parents' right to make that choice for their child.

Testifying for the bill were Representative Kidd; Tanara Lister; Laura Rushasi; Scott Crosier; Joanne M Schrader; Campaign Life Missouri; Concerned Women For America; and the Missouri Right to Life.

OPPONENTS: Those who oppose the bill say that this bill would invade the sanctity of the physician-patient relationship and that parents who are forced to make the decision to consent to a do-not-resuscitate order, especially a signed or written order, may feel extreme guilt and need therapy to deal with the feelings of guilt.

Testifying against the bill were Stuart Sweet; Joan Rosenbaum, MD, St. Louis Children's Hospital; Jonathan Mullin, St. Louis Children's Hospital; Paul And Kim Kosednar; Sarah Younger MD; Naomi Lauriello, American Academy of Pediatrics Missouri Chapter; Jane Moone, Missouri Hospice & Palliative Care; Laura Miller-Smith; and SSM Health.