

HB 1361 -- SIMON'S LAW

SPONSOR: Kidd

This bill establishes Simon's Law that changes the laws regarding life-sustaining treatment policies of health care facilities. A health care facility, nursing home, or physician must disclose in writing any policies relating to a patient or resident or the services that a patient or resident may receive involving life-sustaining treatment within the health care facility or agency upon the request of a current or prospective patient or resident.

The bill prohibits a health care facility, nursing home, physician, nurse, or medical staff from withholding or restricting life-sustaining procedures, food, medication, or nutrition for any patient, resident, or ward under 18 years of age who is not emancipated without the written permission of at least one parent or legal guardian.

A do-not-resuscitate or similar physician's order, either orally or in writing, is prohibited without the written permission of at least one parent or legal guardian of the patient or resident if he or she is under 18 years of age and is not emancipated.

Permission previously given under the provisions of the bill may be revoked in writing by the legal guardian or either parent of the patient.

If parents are unable to agree, either parent may petition a specified court to resolve the conflict based on a presumption in favor of the provision of life-sustaining procedures, food, medication, nutrition, and resuscitation unless there is clear and convincing evidence that such provision is contrary to the best interest of the child and a trial must commence, as specified in the bill.

The requirements for written permission to withhold life-sustaining procedures, food, medication, or nutrition or to institute a do-not-resuscitate order must not apply if the provision of resuscitation, food, medication, or nutrition would be futile or medically inappropriate.

These provisions must not require a health care facility, nursing home, or physician to have a written policy relating to or involving life-sustaining or non-beneficial treatment for patients under 18 years of age who are not emancipated or adult patients, residents, or wards.

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