



## Fiscal Estimate Narratives

DHS 10/14/2019

LRB Number <b>19-3253/1</b>	Introduction Number <b>SB-254</b>	Estimate Type <b>Original</b>
<b>Description</b> certifications for advance directives and findings of incapacity related to powers of attorney for health care		

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, for a health care power of attorney instrument to become effective, two physicians or one physician and one psychologist must examine and determine that a principal has incapacity. Additionally, if a person has a serious medical condition that satisfies certain requirements, the person may request a do-not-resuscitate order. Under current law, do-not-resuscitate orders can only be issued by attending physicians. Finally, if a patient has executed a declaration to physicians, unless the declaration specifies otherwise, only physicians may make certifications that a patient is afflicted with a terminal condition or is in a persistent vegetative state that would authorize the withholding or withdraw of life-sustaining procedures.

These forms are overseen by the Department of Health Services.

This bill makes the following changes to current law: (1) allows one physician and one qualified physician assistant or nurse practitioner to personally examine principals to make findings of incapacity upon which a health care power of attorney becomes effective; (2) allows an attending physician assistant or attending advanced practice registered nurse to issue do-not-resuscitate orders; and (3) specifies that unless stipulated otherwise under a declaration to physicians, a physician assistant or advanced practice registered nurse may certify that a patient is afflicted with a terminal condition or is in a persistent vegetative state.

To comply with the requirements of this bill, the Department would need to amend relevant forms and instructive documents. Costs to perform these activities would be nominal and could be absorbed internally.

### Long-Range Fiscal Implications