





1           154.07 (2) EFFECT OF DECLARATION. The desires of a qualified patient who is  
2 competent supersede the effect of the declaration at all times. If a qualified patient  
3 is incompetent at the time of the decision to withhold or withdraw life-sustaining  
4 procedures or feeding tubes a declaration executed under this ~~chapter~~ subchapter is  
5 presumed to be valid. The declaration of a qualified patient who is diagnosed as  
6 pregnant by the attending physician has no effect during the course of the qualified  
7 patient's pregnancy. For the purposes of this ~~chapter~~ subchapter, a physician or  
8 inpatient health care facility may presume in the absence of actual notice to the  
9 contrary that a person who executed a declaration was of sound mind at the time.

10           **SECTION 11.** 154.11 (1) of the statutes is amended to read:

11           154.11 (1) SUICIDE. The withholding or withdrawal of life-sustaining  
12 procedures or feeding tubes from a qualified patient under this ~~chapter~~ subchapter  
13 does not, for any purpose, constitute suicide. Execution of a declaration under this  
14 ~~chapter~~ subchapter does not, for any purpose, constitute attempted suicide.

15           **SECTION 12.** 154.11 (4) of the statutes is amended to read:

16           154.11 (4) OTHER RIGHTS. This ~~chapter~~ subchapter does not impair or supersede  
17 any person's legal right to withhold or withdraw life-sustaining procedures or  
18 feeding tubes.

19           **SECTION 13.** 154.11 (5) of the statutes is amended to read:

20           154.11 (5) INTENT. Failure to execute a declaration under this ~~chapter~~  
21 subchapter creates no presumption that the person consents to the use or  
22 withholding of life-sustaining procedures or feeding tubes in the event that the  
23 person suffers from a terminal condition or is in a persistent vegetative state.

24           **SECTION 14.** 154.11 (6) of the statutes is amended to read:



1 (b) The person has a medical condition such that, were the person to suffer  
2 cardiac or pulmonary failure, resuscitation would be unsuccessful in restoring  
3 cardiac or respiratory function or the person would experience repeated cardiac or  
4 pulmonary failure within a short period before death occurs.

5 (c) The person has a medical condition such that, were the person to suffer  
6 cardiac or pulmonary failure, resuscitation of that person would cause significant  
7 physical pain or harm that would outweigh the possibility that resuscitation would  
8 successfully restore cardiac or respiratory function for an indefinite period of time.

9 (5) "Resuscitation" means cardiopulmonary resuscitation or any component of  
10 cardiopulmonary resuscitation, including cardiac compression, endotracheal  
11 intubation and other advanced airway management, artificial ventilation,  
12 defibrillation, administration of cardiac resuscitation medications and related  
13 procedures. "Resuscitation" does not include the Heimlich maneuver or similar  
14 procedure used to expel an obstruction from the throat.

15 **154.19 Do-not-resuscitate order.** (1) No person except an attending  
16 physician may issue a do-not-resuscitate order. An attending physician may issue  
17 a do-not-resuscitate order to a patient only if all of the following apply:

18 (a) The patient is a qualified patient.

19 (b) The patient requests the order.

20 (c) The order is in writing.

21 (d) The patient signs the order.

22 (e) The physician does not know the patient to be pregnant.

23 (2) Upon issuing the do-not-resuscitate order, the attending physician, or a  
24 person directed by the attending physician, shall do all of the following:

1 (a) Issue and affix to the wrist of the patient a do-not-resuscitate bracelet and  
2 document in the patient's medical record the medical condition that qualifies the  
3 patient for the do-not-resuscitate order.

4 (b) Provide the patient with written information about the resuscitation  
5 procedures that the patient has chosen to forego and the methods by which the  
6 patient may revoke the do-not-resuscitate order.

7 **(3)** (a) Except as provided in par. (b), emergency medical technicians, first  
8 responders and emergency health care facilities personnel shall follow  
9 do-not-resuscitate orders. The procedures used in following a do-not-resuscitate  
10 order shall be in accordance with any procedures established by the department by  
11 rule.

12 (b) Paragraph (a) does not apply under any of the following conditions:

13 1. The patient has revoked the order under s. 154.21.

14 2. The do-not-resuscitate bracelet appears to have been tampered with or  
15 removed.

16 3. The emergency medical technician, first responder or member of the  
17 emergency health care facility knows that the patient is pregnant.

18 **154.21 Revocation of do-not-resuscitate order. (1) METHOD OF**  
19 **REVOCAION.** A patient may revoke a do-not-resuscitate order at any time by any of  
20 the following methods:

21 (a) The patient expresses to an emergency medical technician, first responder  
22 or to a person who serves as a member of an emergency health care facility's  
23 personnel the desire to be resuscitated. The emergency medical technician, first  
24 responder or the member of the emergency health care facility shall promptly remove  
25 the do-not-resuscitate bracelet.

1 (b) The patient defaces, burns, cuts or otherwise destroys the  
2 do-not-resuscitate bracelet.

3 (c) The patient removes the do-not-resuscitate bracelet or another person, at  
4 the patient's request, removes the do-not-resuscitate bracelet.

5 (2) RECORDING THE REVOCATION. The attending physician shall be notified as  
6 soon as practicable of the patient's revocation and shall record in the patient's  
7 medical record the time, date and place of the revocation, if known, and the time, date  
8 and place, if different, that he or she was notified of the revocation. A revocation  
9 under sub. (1) is effective regardless of when the attending physician has been  
10 notified of that revocation.

11 **154.23 Liability.** No physician, emergency medical technician, first  
12 responder, health care professional or emergency health care facility acting under  
13 the directive of a do-not-resuscitate order may be held criminally or civilly liable,  
14 or charged with unprofessional conduct, for any of the following:

15 (1) Withholding or withdrawing, or causing to be withheld or withdrawn,  
16 resuscitation from a patient.

17 (2) Failing to act upon a revocation unless the person or facility had actual  
18 knowledge of the revocation.

19 (3) Failing to comply with a do-not-resuscitate order if the person or facility  
20 did not have actual knowledge of the do-not-resuscitate order or if the person or  
21 facility in good faith believed that the order had been revoked.

22 **154.25 General provisions. (1) SUICIDE.** Under this subchapter, the  
23 withholding or withdrawing of resuscitation from a patient wearing a valid  
24 do-not-resuscitate bracelet does not, for any purpose, constitute suicide.

1 Requesting a do-not-resuscitate order under this subchapter does not, for any  
2 purpose, constitute attempted suicide.

3 **(2) LIFE INSURANCE.** Requesting a do-not-resuscitate order under s. 154.19  
4 may not be used to impair in any manner the procurement of any policy of life  
5 insurance, and may not be used to modify the terms of an existing policy of life  
6 insurance. No policy of life insurance may be impaired in any manner by the  
7 withholding or withdrawal of resuscitation from a qualified patient.

8 **(3) HEALTH INSURANCE.** No person may be required to request a  
9 do-not-resuscitate order as a condition prior to being admitted to a health care  
10 facility or being insured for, or receiving, health care services.

11 **(4) OTHER RIGHTS.** This subchapter does not impair or supersede any person's  
12 legal right to withhold or withdraw resuscitation.

13 **(5) INTENT.** Failure to request a do-not-resuscitate order creates no  
14 presumption that the person consents to the use or withholding of resuscitation in  
15 the event that the person suffers from a condition that renders the person a qualified  
16 patient.

17 **(6) VALID DO-NOT-RESUSCITATE BRACELET.** A do-not-resuscitate bracelet that has  
18 not been removed, altered or tampered with in any way shall be presumed valid,  
19 unless the patient expresses to the emergency medical technician, first responder or  
20 emergency health care facility personnel the desire to be resuscitated.

21 **(6m) DESIRE OF THE PATIENT.** The desire of a patient to be resuscitated  
22 supersedes the effect of that patient's do-not-resuscitate order at all times.

23 **(7) CONSTRUCTION.** Nothing in this subchapter condones, authorizes or permits  
24 any affirmative or deliberate act to end life other than to permit the natural process  
25 of dying.

1           **154.27 Specifications and distribution of do-not-resuscitate bracelet.**

2           The department shall establish by rule a uniform standard for the size, color, and  
3           design of all do-not-resuscitate bracelets. The rules shall require that the  
4           do-not-resuscitate bracelets include the inscription "Do Not Resuscitate"; the name,  
5           address, date of birth and gender of the patient; and the name, business telephone  
6           number and signature of the attending physician issuing the order.

7           **154.29 Penalties. (1)** Any person who willfully conceals, defaces or damages  
8           the do-not-resuscitate bracelet of another person without that person's consent may  
9           be fined not more than \$500 or imprisoned for not more than 30 days or both.

10           **(2)** Any person who, with the intent to cause the withholding or withdrawal of  
11           resuscitation contrary to the wishes of any patient, falsifies, forges or transfers a  
12           do-not-resuscitate bracelet to that patient or conceals the revocation under s. 154.21  
13           of a do-not-resuscitate order or any responsible person who withholds personal  
14           knowledge of a revocation under s. 154.21 shall be fined not more than \$10,000 or  
15           imprisoned for not more than 10 years or both.

16           **(3)** Any person who directly or indirectly coerces, threatens or intimidates an  
17           individual so as to cause the individual to sign or issue a do-not-resuscitate order  
18           shall be fined not more than \$500 or imprisoned for not more than 30 days or both.

19           **SECTION 16.** 155.20 (5) of the statutes is amended to read:

20           **155.20 (5)** The health care agent shall act in good faith consistently with the  
21           desires of the principal as expressed in the power of attorney for health care  
22           instrument or as otherwise specifically directed by the principal to the health care  
23           agent at any time. The health care agent shall act in good faith consistently with any  
24           valid declaration executed by the principal under subch. II of ch. 154, except that the  
25           provisions of a principal's valid power of attorney for health care instrument

