

2001 ASSEMBLY BILL 503

September 19, 2001 – Introduced by Representatives HUNDERTMARK, GRONEMUS, BOYLE, OLSEN, LIPPERT, MUSSER, OWENS, TOWNSEND, KRAWCZYK, JESKEWITZ, PLOUFF, LADWIG, OTT, LASSA, GUNDERSON, SKINDRUD and STONE, cosponsored by Senators PLACHE, HUELSMAN and ROESSLER. Referred to Committee on Health.

1 **AN ACT to amend** 154.17 (1), 154.19 (2) (b) 1., 154.19 (2) (b) 2., 154.19 (3) (b) 2.,
2 154.21 (1) (a), 154.21 (1) (b), 154.21 (1) (c), 154.225 (2) (b), 154.225 (2) (c), 154.25
3 (1), 154.25 (6), 154.27 (title), 154.27 (1), 154.27 (2), 154.29 (1) and 154.29 (2) of
4 the statutes; **relating to:** use of do-not-resuscitate necklaces under
5 do-not-resuscitate orders.

Analysis by the Legislative Reference Bureau

Under current law, a physician may issue a do-not-resuscitate order, under limited conditions, for a person who is aged at least 18 and who has a terminal condition or a medical condition such that, if the person suffered cardiac or pulmonary failure, resuscitation would be unsuccessful or would pose an extraordinary burden on the person. The person must request the order, unless the person is incapacitated and the order is requested by the person's guardian or health care agent; the person or the person's guardian or health care agent must consent to the order after having been provided with information about procedures that the person is choosing to forego; the order must be in writing and signed by the person, or the person's guardian or health care agent; and the physician must not know that the person is pregnant. If these conditions are met, the physician must document in the person's medical record the medical condition that qualifies the person for the do-not-resuscitate order, must make the order in writing, and must affix to the person's wrist a do-not-resuscitate bracelet that meets standards specified by the department of health and family services (DHFS) or provide an order form to permit

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the person to order a do-not-resuscitate bracelet from a commercial vendor that is approved by DHFS. A physician, emergency medical technician, first responder, health care professional, or emergency health care facility is not civilly or criminally liable and the physician, emergency medical technician, first responder, or health care professional may not be charged with unprofessional conduct for withholding or withdrawing resuscitation from a patient under a do-not-resuscitate order.

This bill permits a person also to use a do-not-resuscitate necklace that meets DHFS standards or that is from a vendor approved by DHFS, as well as a bracelet, to indicate issuance of a do-not-resuscitate order for that person.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 154.17 (1) of the statutes is amended to read:

2 154.17 (1) “Do-not-resuscitate bracelet or necklace” means a standardized
3 identification bracelet or necklace that meets the specifications established under s.
4 154.27 (1), or that is approved by the department under s. 154.27 (2), that bears the
5 inscription “Do Not Resuscitate” and signifies that the wearer is a qualified patient
6 who has obtained a do-not-resuscitate order and that the order has not been
7 revoked.

8 **SECTION 2.** 154.19 (2) (b) 1. of the statutes is amended to read:

9 154.19 (2) (b) 1. Affix to the wrist or neck of the patient a do-not-resuscitate
10 bracelet or necklace that meets the specifications established under s. 154.27 (1).

11 **SECTION 3.** 154.19 (2) (b) 2. of the statutes is amended to read:

12 154.19 (2) (b) 2. Provide an order form from a commercial vendor approved by
13 the department under s. 154.27 (2) to permit the patient to order a
14 do-not-resuscitate bracelet or necklace from the commercial vendor.

15 **SECTION 4.** 154.19 (3) (b) 2. of the statutes is amended to read:

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1 154.19 (3) (b) 2. The do-not-resuscitate bracelet or necklace appears to have
2 been tampered with or removed.

3 **SECTION 5.** 154.21 (1) (a) of the statutes is amended to read:

4 154.21 (1) (a) The patient expresses to an emergency medical technician, first
5 responder or to a person who serves as a member of an emergency health care
6 facility's personnel the desire to be resuscitated. The emergency medical technician,
7 first responder or the member of the emergency health care facility shall promptly
8 remove the do-not-resuscitate bracelet or necklace.

9 **SECTION 6.** 154.21 (1) (b) of the statutes is amended to read:

10 154.21 (1) (b) The patient defaces, burns, cuts or otherwise destroys the
11 do-not-resuscitate bracelet or necklace.

12 **SECTION 7.** 154.21 (1) (c) of the statutes is amended to read:

13 154.21 (1) (c) The patient removes the do-not-resuscitate bracelet or necklace
14 or another person, at the patient's request, removes the do-not-resuscitate bracelet
15 or necklace.

16 **SECTION 8.** 154.225 (2) (b) of the statutes is amended to read:

17 154.225 (2) (b) The guardian or health care agent defaces, burns, cuts or
18 otherwise destroys the do-not-resuscitate bracelet or necklace.

19 **SECTION 9.** 154.225 (2) (c) of the statutes is amended to read:

20 154.225 (2) (c) The guardian or health care agent removes the
21 do-not-resuscitate bracelet or necklace.

22 **SECTION 10.** 154.25 (1) of the statutes is amended to read:

23 154.25 (1) SUICIDE. Under this subchapter, the withholding or withdrawing of
24 resuscitation from a patient wearing a valid do-not-resuscitate bracelet or necklace

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

3 **SECTION 11.** 154.25 (6) of the statutes is amended to read:

4 154.25 (6) VALID DO-NOT-RESUSCITATE BRACELET OR NECKLACE. A
5 do-not-resuscitate bracelet or necklace that has not been removed, altered or
6 tampered with in any way shall be presumed valid, unless the patient, the patient's
7 guardian or the patient's health care agent expresses to the emergency medical
8 technician, first responder or emergency health care facility personnel the patient's
9 desire to be resuscitated.

10 **SECTION 12.** 154.27 (title) of the statutes is amended to read:

11 **154.27 (title) Specifications and distribution of do-not-resuscitate**
12 **bracelet or necklace.**

13 **SECTION 13.** 154.27 (1) of the statutes is amended to read:

14 154.27 (1) The department shall establish by rule a uniform standard for the
15 size, color, and design of all do-not-resuscitate bracelets or necklaces. Except as
16 provided in sub. (2), the rules shall require that the do-not-resuscitate bracelets or
17 necklaces include the inscription "Do Not Resuscitate"; the name, address, date of
18 birth and gender of the patient; and the name, business telephone number and
19 signature of the attending physician issuing the order.

20 **SECTION 14.** 154.27 (2) of the statutes is amended to read:

21 154.27 (2) The department may approve a do-not-resuscitate bracelet or
22 necklace developed and distributed by a commercial vendor if the bracelet or
23 necklace contains an emblem that displays an internationally recognized medical
24 symbol on the front and the words "Wisconsin Do-Not-Resuscitate-EMS" and the
25 qualified patient's first and last name on the back. The department may not approve

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1 a do-not-resuscitate bracelet or necklace developed and distributed by a commercial
2 vendor if the vendor does not require a doctor's order for the bracelet or necklace prior
3 to distributing it to a patient.

4 **SECTION 15.** 154.29 (1) of the statutes is amended to read:

5 154.29 (1) Any person who willfully conceals, defaces or damages the
6 do-not-resuscitate bracelet or necklace of another person without that person's
7 consent may be fined not more than \$500 or imprisoned for not more than 30 days
8 or both.

9 **SECTION 16.** 154.29 (2) of the statutes is amended to read:

10 154.29 (2) Any person who, with the intent to cause the withholding or
11 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or
12 transfers a do-not-resuscitate bracelet or necklace to that patient or conceals the
13 revocation under s. 154.21 of a do-not-resuscitate order or any responsible person
14 who withholds personal knowledge of a revocation under s. 154.21 shall be fined not
15 more than \$10,000 or imprisoned for not more than 15 years or both.

16 (END)