

2001 DRAFTING REQUEST

Bill

Received: 05/24/2001

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Jean Hundertmark (608) 266-3794

By/Representing: Gene (aide)

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Addl. Drafters:

Subject: Health - decisionmaking

Extra Copies: ISR

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Permit do-not-resuscitate necklaces to be used

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kenneda 08/06/2001	hhagen 08/07/2001	pgreensl 08/07/2001	_____	lrb_docadmin 08/07/2001	lrb_docadminS&L 08/17/2001	

FE Sent For:

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At intro

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1?	kenneda	1/hmh 8/16/01	8/1 PG	8/7 self			

FE Sent For:

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SOON - In edit 8/6
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3351/1

DAK:hmk

D-NOTE

2001 BILL

Generate

1 AN ACT ...; relating to: use of do-not-resuscitate necklaces under
2 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 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.

BILL

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 History: 1995 a. 200; 1997 a. 27; 1999 a. 9.

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 History: 1995 a. 200; 1997 a. 27; 1999 a. 9.

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 History: 1995 a. 200; 1997 a. 27; 1999 a. 9.

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

16 154.19 (3) (b) 2. The do-not-resuscitate bracelet or necklace appears to have
17 been tampered with or removed.

18 History: 1995 a. 200; 1997 a. 27; 1999 a. 9.

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

BILL

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

History: 1995 a. 200.

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

7 154.21 (1) (b) The patient defaces, burns, cuts or otherwise destroys the
8 do-not-resuscitate bracelet or necklace.

History: 1995 a. 200.

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

10 154.21 (1) (c) The patient removes the do-not-resuscitate bracelet or necklace
11 or another person, at the patient's request, removes the do-not-resuscitate
12 bracelet or necklace.

History: 1995 a. 200.

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

14 154.225 (2) (b) The guardian or health care agent defaces, burns, cuts or
15 otherwise destroys the do-not-resuscitate bracelet or necklace.

History: 1997 a. 27.

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

17 154.225 (2) (c) The guardian or health care agent removes the
18 do-not-resuscitate bracelet or necklace.

History: 1997 a. 27.

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

20 154.25 (1) SUICIDE. Under this subchapter, the withholding or withdrawing of
21 resuscitation from a patient wearing a valid do-not-resuscitate bracelet or necklace

BILL

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.

History: 1995 a. 200; 1997 a. 27.

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.

History: 1995 a. 200; 1997 a. 27.

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.**

History: 1995 a. 200; 1999 a. 9.

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.

History: 1995 a. 200; 1999 a. 9.

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

BILL

1 symbol on the front and the words “Wisconsin Do-Not-Resuscitate-EMS” and the
2 qualified patient’s first and last name on the back. The department may not approve
3 a do-not-resuscitate bracelet or necklace developed and distributed by a commercial
4 vendor if the vendor does not require a doctor’s order for the bracelet or necklace prior
5 to distributing it to a patient.

History: 1995 a. 200; 1999 a. 9.

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

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

History: 1995 a. 200; 1997 a. 283.

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

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

History: 1995 a. 200; 1997 a. 283.

18 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3351/1dn

DAK: *hnh*

Date

To Representative Hundertmark:

I am not certain that this is a problem, but wanted to raise the issue for your consideration: would it be advantageous to have a provision that prohibits the wearing of both a necklace and a bracelet at the same time (to avoid any possible confusion if different language is printed on the two)?

Please let me know if I can provide you with further assistance with respect to this bill.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3351/1dn
DAK:hmh:pg

August 7, 2001

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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

August 7, 2001

MEMORANDUM

To: Representative Hundertmark

From: Debora A. Kennedy, Managing Attorney

Re: LRB-3351/1 Permit do-not-resuscitate necklaces to be used

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0137 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.