

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 703  
Judiciary I Committee Substitute Adopted 4/25/01

Short Title: Immunity/Honoring Portable DNR Order.

(Public)

Sponsors:

Referred to:

March 27, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY IMMUNITY FOR HONORING A PORTABLE DO NOT  
RESUSCITATE ORDER.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 1B of Chapter 90 of the General Statutes is amended  
by adding the following new section to read:

**"§ 90-21.16. Portable do not resuscitate order.**

(a) It is the intent of this section to recognize a patient's desire and right to withhold cardiopulmonary resuscitation to avoid loss of dignity and unnecessary pain and suffering through the use of a portable do not resuscitate ("DNR") order. This section establishes an optional and nonexclusive procedure by which a patient or the patient's representative may exercise this right.

(b) A physician may issue a portable DNR order for a patient:

(1) With the consent of the patient;

(2) If the patient is a minor, with the consent of the patient's parent or guardian; or

(3) If the patient is not a minor but is incapable of making an informed decision regarding consent for the order, with the consent of the patient's representative.

The physician shall document the basis for the order in the patient's medical record.

(c) The Department of Health and Human Services shall develop a portable DNR order form. The official form shall include fields for the name of the patient; the name, address, and telephone number of the physician; the signature of the physician; and other relevant information. The form may be approved by reference to a standard form that meets the requirements of this subsection. For purposes of this section, the "patient's representative" means an individual from the list of persons authorized to consent to the withholding of extraordinary care pursuant to G.S. 90-322 or an individual who has an established relationship with the patient, who is acting in good faith on behalf of the patient, and who can reliably convey the patient's wishes.

1       (d) No physician, emergency medical professional, hospice provider, or other  
2 health care provider shall be subject to criminal prosecution, civil liability, or  
3 disciplinary action by any professional licensing or certification agency for withholding  
4 cardiopulmonary resuscitation from a patient in good faith reliance on an original DNR  
5 form adopted pursuant to subsection (c) of this section, provided that (i) there are no  
6 reasonable grounds for doubting the validity of the order or the identity of the patient,  
7 and (ii) the provider does not have actual knowledge of the revocation of the portable  
8 DNR order. No physician, emergency medical professional, hospice provider, or other  
9 health care provider shall be subject to criminal prosecution, civil liability, or  
10 disciplinary action by any professional licensing or certification agency for failure to  
11 follow a DNR form adopted pursuant to subsection (c) of this section if the provider had  
12 no actual knowledge of the existence of the DNR order.

13       (e) A health care facility may develop policies and procedures that authorize the  
14 facility's provider to accept a portable DNR order as if it were an order of the medical  
15 staff of that facility. This section does not prohibit a physician in a health care facility  
16 from issuing a written order, other than a portable DNR order, not to resuscitate a  
17 patient in the event of cardiac or respiratory arrest, in accordance with acceptable  
18 medical practice and the facility's policies.

19       (f) Nothing in this section shall affect the validity of portable DNR forms in  
20 existence prior to the effective date of this section."

21       **SECTION 2.** This act becomes effective October 1, 2001.