

AN ACT

ENTITLED, An Act to require parental notification and agreement before the institution of an order to withhold resuscitation from certain patients.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 34-12F be amended by adding a NEW SECTION to read:

If a physician determines that a patient who is an unemancipated minor has a life-limiting illness, the physician may not institute an order to withhold resuscitation unless the physician has:

- (1) Informed at least one of the patient's parents or the patient's legal guardian of the intent to institute such an order; and
- (2) Made a reasonable attempt to inform the patient's other parent, if that parent's contact information is available or discernible, and if that parent has custodial or visitation rights.

The physician shall provide the information required by this section orally and in written form unless, using medical judgment, the physician determines that the urgency of the patient's condition requires reliance on only oral information.

The physician shall ensure that all communications made or attempted in accordance with this section are contemporaneously documented in the patient's medical record and that the record includes a listing of all participants in the communication, the date and time that communications or attempted communications occurred, and whether the information was provided orally or in written form. Copies of any written information provided must also be placed in the medical record.

Either of the patient's parents or the patient's legal guardian may object, orally or in written form, to the institution of an order to withhold resuscitation. The objection must be contemporaneously documented in the patient's medical record. An objection under this section precludes the physician from instituting an order to withhold resuscitation until the objection is withdrawn or a court permits institution of the order.

If the patient's parents are unable to agree on the institution of an order to withhold resuscitation, either parent may petition the circuit court of the county in which that parent resides or in which the patient is receiving treatment for an order enjoining a violation or a threatened violation of this section or to resolve a conflict. Pending a final determination, including any appeals, an order to withhold resuscitation may not be instituted.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1055

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1055

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State