

STATE OF KANSAS

SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **HB 2571**, as amended by House Committee of the Whole, on page 3, following line 7, by inserting:

"New Sec. 2. (a) This section shall be known and may be cited as Simon's law.

(b) As used in this section:

(1) Procedures, food, medication or nutrition are "life-sustaining" if, in reasonable medical judgment, the withdrawal or withholding of such procedures, food, medication or nutrition would result in or hasten the death of the patient.

(2) "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(c) Upon the request of a patient or resident or a prospective patient or resident, a healthcare facility, nursing home or physician shall disclose in writing any policies relating to a patient or resident or the services a patient or resident may receive involving life-sustaining treatment, including any policies related to healthcare deemed futile, inappropriate or non-beneficial, within the healthcare facility or agency.

(d) No healthcare facility, nursing home, physician, nurse or medical staff shall withhold life-sustaining procedures, food, medication or nutrition, nor place any restrictions on life-sustaining procedures including, but not limited to, food, medication or nutrition for any patient, resident or ward under 18 years of age without the written permission of at least one parent or legal guardian of the patient or ward.

(e) No do-not-resuscitate order or similar physician's order shall be instituted either orally or in writing without the written permission of at least one parent or legal guardian of the patient or resident under 18 years of age or prospective patient or resident under 18 years of age.

(f) Permission previously given under subsection (d) or (e) may be revoked in writing by the legal guardian or either parent of the patient. If the parents are unable to agree to withhold life-sustaining procedures, food, medication, nutrition or resuscitation, either parent may petition a district court of the county in which the patient resides or in which the patient is receiving treatment to resolve the conflict based on a presumption in favor of the provision of life-sustaining procedures, food, medication, nutrition and resuscitation, unless there is clear and convincing evidence that such provision is contrary to the best interests of the child. Upon receiving such a petition, the district court shall issue an order fixing the date, time and place of the trial on the petition and order that notice of the trial shall be given to such persons as the court shall direct. The trial may be held forthwith and without notice if the court determines that holding a trial forthwith and without notice is in the best interests of the petitioner. In the court's discretion, a trial may be conducted in a courtroom, a treatment facility or at some other suitable place. Pending the final outcome of such proceedings, including any appeals, no permission under subsection (d) or (e) may be implemented.

(g) Subject to subsection (h), the requirements for written permission in subsections (d) and (e) shall not apply if providing resuscitation or food, medication or nutrition would be:

(1) Futile because, in reasonable medical judgment, withholding resuscitation or food, medication or nutrition would not cause or hasten the death of the patient; or

(2) medically inappropriate because, in reasonable medical judgment, providing resuscitation or food, medication or nutrition would create a greater risk of causing or hastening the death of the patient than withholding resuscitation or food, medication or nutrition.

(h) Subsection (g) may be implemented, so long as a reasonably diligent effort has been made

to contact at least one parent or legal guardian who, if contacted, has been informed of the planned withholding of food, medication or nutrition or do-not-resuscitate order, and the healthcare provider has cooperated with the parent or legal guardian's efforts to obtain other medical opinions or a transfer of the patient to a provider selected by the parent or guardian, if so requested.

(i) Nothing in this section shall require a healthcare facility, nursing home or physician to have a written policy relating to or involving life-sustaining or non-beneficial treatment for patients under 18 years of age or adult patients, residents or wards.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "healthcare and nursing home facilities; relating to withholding life-sustaining treatment from patients;"; also in line 1, by striking "relating to"

Senator _____