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ASSEMBLY BILL NO. 344—ASSEMBLYMEN BOBZIEN, EISEN, SPRINKLE, STEWART, DONDERO LOOP; BENITEZ-THOMPSON, CARLTON, DALY, DIAZ, FIORE, FLORES, FRIERSON, HARDY, HICKEY, HORNE, KIRKPATRICK, LIVERMORE, MARTIN, MUNFORD, NEAL, OSCARSON, PIERCE AND SWANK

MARCH 18, 2013

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JOINT SPONSORS: SENATORS SEGERBLOM, PARKS; ATKINSON, MANENDO, SETTELMEYER AND WOODHOUSE

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Referred to Committee on Health and Human Services

SUMMARY—Provides for the use of Physician Orders for Life-Sustaining Treatment in this State. (BDR 40-682)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to public health; enacting provisions to authorize the use of Physician Orders for Life-Sustaining Treatment in this State; allowing the deposit of any Physician Order for Life-Sustaining Treatment form (POLST form) or other advance directive in the statewide health information exchange system and the Registry of Advance Directives for Health Care; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law allows any person who is of sound mind and 18 years of age or
- 2 older to execute a declaration governing the withholding or withdrawal of life-
- 3 sustaining treatment. (NRS 449.600, 449.610) Existing law also allows an adult
- 4 person to execute a power of attorney enabling the agent named in the power of
- 5 attorney to make decisions concerning health care for the principal if that principal
- 6 becomes incapable of giving informed consent. (NRS 162A.700-162A.860)
- 7 Existing law additionally allows certain patients suffering from a terminal condition
- 8 to obtain a do-not-resuscitate order from a physician and a do-not-resuscitate



\* A B 3 4 4 \*

9 identification from the health authority. (NRS 450B.510-450B.525) A declaration  
10 governing the withholding or withdrawal of life-sustaining treatment, a durable  
11 power of attorney for health care decisions and a do-not-resuscitate order are all  
12 classified as advance directives. (NRS 449.905) **Section 15** of this bill requires the  
13 State Board of Health to adopt a Physician Order for Life-Sustaining Treatment  
14 form (POLST form), another type of advance directive which records the wishes of  
15 a patient and directs any provider of health care regarding the provision of life-  
16 resuscitating and life-sustaining treatment.

17 **Sections 16, 17, 36 and 37** of this bill specify who is allowed to execute and  
18 revoke a POLST form. **Section 18** of this bill resolves potential conflicts between a  
19 POLST form and another advance directive. **Sections 19 and 22** of this bill convey  
20 similar protections and immunities to providers of health care with regard to a  
21 POLST form as are conveyed with regard to other advance directives.

22 Under existing law, a provider of health care or a person who administers  
23 emergency medical services is required to comply with an advance directive or take  
24 reasonable measures to transfer the patient to a provider of health care willing to do  
25 so, and imposes a penalty for failure to do so. (NRS 449.628, 449.660, 450B.550,  
26 450B.580) **Sections 20 and 23** of this bill enact similar provisions with regard to a  
27 POLST form. **Section 21** of this bill establishes that a provider of health care may  
28 assume the validity of a POLST form unless he or she has knowledge to the  
29 contrary.

30 **Section 22** provides that the execution of a POLST form or the lack thereof  
31 does not affect the sale, procurement or terms of a policy of life insurance or  
32 annuity, and cannot be used as a reason to withhold health care or health insurance.  
33 **Section 23** provides a penalty if health care or health insurance is withheld.  
34 Existing law provides penalties for any person who willfully conceals, cancels,  
35 defaces, obliterates, forges or fraudulently induces the execution of a declaration  
36 governing the withholding or withdrawal of life-sustaining treatment. (NRS  
37 449.660) **Section 23** establishes similar penalties with respect to a POLST form.  
38 **Section 25** of this bill sets forth that a POLST form executed in another state in  
39 compliance with the laws of that state or this State is valid in this State. **Section 26**  
40 of this bill authorizes the State Board of Health to adopt regulations to carry out the  
41 provisions of this bill.

42 Existing law provides for a statewide health information exchange system and a  
43 Registry of Advance Directives for Health Care, in which certain health records of  
44 a patient may be deposited to facilitate treatment of that patient by any health care  
45 provider. (NRS 439.581-439.595, 449.900-449.965) **Sections 28 and 29** of this bill  
46 allow a POLST form to be deposited in the exchange and the Registry. **Section 32**  
47 of this bill allows a patient who has executed a POLST form providing for the  
48 withholding of life-resuscitating treatment to apply for a do-not-resuscitate  
49 identification.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 449 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 26, inclusive, of this  
3 act.

4 **Sec. 2.** *As used in sections 2 to 26, inclusive, of this act,*  
5 *unless the context otherwise requires, the words and terms defined*  
6 *in sections 3 to 14, inclusive, of this act have the meanings*  
7 *ascribed to them in those sections.*



1       **Sec. 3.** *“Attending physician” has the meaning ascribed to it*  
2 *in NRS 449.550.*

3       **Sec. 4.** *“Do-not-resuscitate identification” has the meaning*  
4 *ascribed to it in NRS 450B.410.*

5       **Sec. 5.** *“Do-not-resuscitate order” has the meaning ascribed*  
6 *to it in NRS 450B.420.*

7       **Sec. 6.** *“Emergency care” means the use of life-resuscitating*  
8 *treatment and other immediate treatment provided in response to a*  
9 *sudden, acute and unanticipated medical emergency in order to*  
10 *avoid injury, impairment or death.*

11       **Sec. 7.** *“Health care facility” has the meaning ascribed to it*  
12 *in NRS 162A.740.*

13       **Sec. 8.** *“Incompetent” has the meaning ascribed to it in*  
14 *NRS 159.019.*

15       **Sec. 9.** *“Life-resuscitating treatment” has the meaning*  
16 *ascribed to it in NRS 450B.450.*

17       **Sec. 10.** *“Life-sustaining treatment” has the meaning*  
18 *ascribed to it in NRS 449.570.*

19       **Sec. 11.** *“Other types of advance directives” means an*  
20 *advance directive as defined in NRS 449.905, but does not include*  
21 *a POLST form.*

22       **Sec. 12.** *“Physician Order for Life-Sustaining Treatment*  
23 *form” or “POLST form” means the form prescribed pursuant to*  
24 *section 15 of this act that:*

25       1. *Records the wishes of the patient; and*

26       2. *Directs a provider of health care regarding the provision of*  
27 *life-resuscitating treatment and life-sustaining treatment.*

28       **Sec. 13.** *“Provider of health care” means an individual who*  
29 *is licensed, certified or otherwise authorized or allowed by law to*  
30 *provide health care in the ordinary course of business or practice*  
31 *of a profession, and includes a person who:*

32       1. *Is described in NRS 629.031; or*

33       2. *Administers emergency medical services as defined in*  
34 *NRS 450B.460.*

35       **Sec. 14.** *“Representative of the patient” means a legal*  
36 *guardian of the patient, a person designated by the patient to make*  
37 *decisions governing the withholding or withdrawal of life-*  
38 *sustaining treatment pursuant to NRS 449.600 or a person given*  
39 *power of attorney to make decisions concerning health care for*  
40 *the patient pursuant to NRS 162A.700 to 162A.860, inclusive.*

41       **Sec. 15.** *The Board shall prescribe a standardized Physician*  
42 *Order for Life-Sustaining Treatment form, commonly known as a*  
43 *POLST form, which:*

44       1. *Is uniquely identifiable and has a uniform color;*



1       2. *Provides a means by which to indicate whether the patient*  
2 *has made an anatomical gift pursuant to NRS 451.500 to 451.598,*  
3 *inclusive;*

4       3. *Gives direction to a provider of health care or health care*  
5 *facility regarding the use of emergency care and life-sustaining*  
6 *treatment;*

7       4. *Is intended to be honored by any provider of health care*  
8 *who treats the patient in any health-care setting, including,*  
9 *without limitation, the patient's residence, a health care facility or*  
10 *the scene of a medical emergency; and*

11       5. *Includes such other features and information as the Board*  
12 *may deem advisable.*

13       **Sec. 16. 1. A physician shall take the actions described in**  
14 **subsection 2:**

15       (a) *If the physician diagnoses a patient with a terminal*  
16 *condition;*

17       (b) *If the physician determines, for any reason, that a patient*  
18 *has a life expectancy of less than 5 years; or*

19       (c) *At the request of a patient.*

20       2. *Upon the occurrence of any of the events specified in*  
21 *subsection 1, the physician shall explain to the patient:*

22       (a) *The existence and availability of the Physician Order for*  
23 *Life-Sustaining Treatment form;*

24       (b) *The features of and procedures offered by way of the*  
25 *POLST form; and*

26       (c) *The differences between a POLST form and the other types*  
27 *of advance directives.*

28       3. *Upon the request of the patient, the physician shall*  
29 *complete the POLST form based on the preferences and medical*  
30 *indications of the patient.*

31       4. *A POLST form is valid upon execution by a physician and:*

32       (a) *If the patient is 18 years of age or older and of sound mind,*  
33 *the patient;*

34       (b) *If the patient is 18 years of age or older and incompetent,*  
35 *the representative of the patient; or*

36       (c) *If the patient is less than 18 years of age, the patient and a*  
37 *parent or legal guardian of the patient.*

38       5. *As used in this section, "terminal condition" has the*  
39 *meaning ascribed to it in NRS 449.590.*

40       **Sec. 17. 1. A Physician Order for Life-Sustaining**  
41 **Treatment form may be revoked at any time and in any manner**  
42 **by:**

43       (a) *The patient who executed it, without regard to his or her*  
44 *age or mental or physical condition;*



1 (b) If the patient is incompetent, the representative of the  
2 patient; or

3 (c) If the patient is less than 18 years of age, a parent or legal  
4 guardian of the patient.

5 2. The revocation of a POLST form is effective upon the  
6 communication to a provider of health care, by the patient or a  
7 witness to the revocation, of the desire to revoke the form. The  
8 provider of health care to whom the revocation is communicated  
9 shall:

10 (a) Make the revocation a part of the medical record of the  
11 patient; or

12 (b) Cause the revocation to be made a part of the medical  
13 record of the patient.

14 **Sec. 18.** 1. If a valid Physician Order for Life-Sustaining  
15 Treatment form sets forth a declaration, direction or order which  
16 conflicts with a declaration, direction or order set forth in one or  
17 more of the other types of advance directives:

18 (a) The declaration, direction or order set forth in the  
19 document executed most recently is valid; and

20 (b) Any other declarations, directions or orders that do not  
21 conflict with a declaration, direction or order set forth in another  
22 document referenced in this subsection remain valid.

23 2. If a valid POLST form sets forth a declaration, direction or  
24 order to provide life-resuscitating treatment to a patient who also  
25 possesses a do-not-resuscitate identification, a provider of health  
26 care shall not provide life-resuscitating treatment if the do-not-  
27 resuscitate identification is on the person of the patient when the  
28 need for life-resuscitating treatment arises.

29 **Sec. 19.** 1. A provider of health care is not guilty of  
30 unprofessional conduct or subject to civil or criminal liability if:

31 (a) The provider of health care withholds emergency care or  
32 life-sustaining treatment:

33 (1) In compliance with a Physician Order for Life-  
34 Sustaining Treatment form and the provisions of sections 2 to 26,  
35 inclusive, of this act; or

36 (2) In violation of a Physician Order for Life-Sustaining  
37 Treatment form if the provider of health care is acting in  
38 accordance with a declaration, direction or order set forth in one  
39 or more of the other types of advance directives and:

40 (I) Complies with the provisions of section 20 of this act;  
41 or

42 (II) Reasonably and in good faith, at the time the  
43 emergency care or life-sustaining treatment is withheld, is  
44 unaware of the existence of the POLST form or believes that the



1 *POLST form has been revoked pursuant to section 17 of this act;*  
2 *or*

3 *(b) The provider of health care provides emergency care or*  
4 *life-sustaining treatment:*

5 *(1) Pursuant to an oral or written request made by the*  
6 *patient, the representative of the patient, or a parent or legal*  
7 *guardian of the patient, who may revoke the POLST form*  
8 *pursuant to section 17 of this act;*

9 *(2) Pursuant to an observation that the patient, the*  
10 *representative of the patient or a parent or legal guardian of the*  
11 *patient has revoked, or otherwise indicated that he or she wishes to*  
12 *revoke, the POLST form pursuant to section 17 of this act; or*

13 *(3) In violation of a POLST form, if the provider of health*  
14 *care reasonably and in good faith, at the time the emergency care*  
15 *or life-sustaining treatment is provided, is unaware of the*  
16 *existence of the POLST form or believes that the POLST form has*  
17 *been revoked pursuant to section 17 of this act.*

18 *2. A health care facility, ambulance service, fire-fighting*  
19 *agency or other entity that employs a provider of health care is not*  
20 *guilty of unprofessional conduct or subject to civil or criminal*  
21 *liability for the acts or omissions of the employee carried out in*  
22 *accordance with the provisions of subsection 1.*

23 **Sec. 20. 1.** *Except as otherwise provided in this section and*  
24 *section 18 of this act, a provider of health care shall comply with a*  
25 *valid Physician Order for Life-Sustaining Treatment form,*  
26 *regardless of whether the provider of health care is employed by a*  
27 *health care facility or other entity affiliated with the physician who*  
28 *executed the POLST form.*

29 *2. A physician may medically evaluate the patient and, based*  
30 *upon the evaluation, may recommend new orders consistent with*  
31 *the most current information available about the patient's health*  
32 *status and goals of care. Before making a modification to a valid*  
33 *POLST form, the physician shall consult the patient or, if the*  
34 *patient is incompetent, shall make a reasonable attempt to consult*  
35 *the representative of the patient and the patient's attending*  
36 *physician.*

37 *3. Except as otherwise provided in subsection 4, a provider of*  
38 *health care who is unwilling or unable to comply with a valid*  
39 *POLST form shall take all reasonable measures to transfer the*  
40 *patient to a physician or health care facility so that the POLST*  
41 *form will be followed.*

42 *4. Life-sustaining treatment must not be withheld or*  
43 *withdrawn pursuant to a POLST form of a patient known to the*  
44 *attending physician to be pregnant, so long as it is probable that*



1 *the fetus will develop to the point of live birth with the continued*  
2 *application of life-sustaining treatment.*

3 *5. Nothing in this section requires a provider of health care to*  
4 *comply with a valid POLST form if the provider of health care*  
5 *does not have actual knowledge of the existence of the form.*

6 **Sec. 21.** *1. Unless he or she has knowledge to the contrary,*  
7 *a provider of health care may assume that a Physician Order for*  
8 *Life-Sustaining Treatment form complies with the provisions of*  
9 *sections 2 to 26, inclusive, of this act and is valid.*

10 *2. The provisions of sections 2 to 26, inclusive, of this act do*  
11 *not create a presumption concerning the intention of a:*

12 *(a) Patient if the patient, the representative of the patient or a*  
13 *parent or legal guardian of the patient has revoked the POLST*  
14 *form pursuant to section 17 of this act; or*

15 *(b) Person who has not executed a POLST form,*  
16 *↪ concerning the use or withholding of emergency care or life-*  
17 *sustaining treatment.*

18 **Sec. 22.** *1. Death that results when emergency care or life-*  
19 *sustaining treatment has been withheld pursuant to a Physician*  
20 *Order for Life-Sustaining Treatment form and in accordance with*  
21 *the provisions of sections 2 to 26, inclusive, of this act does not*  
22 *constitute a suicide or homicide.*

23 *2. The execution of a POLST form does not affect the sale,*  
24 *procurement or issuance of a policy of life insurance or an*  
25 *annuity, nor does it affect, impair or modify the terms of an*  
26 *existing policy of life insurance or an annuity. A policy of life*  
27 *insurance or an annuity is not legally impaired or invalidated if*  
28 *emergency care or life-sustaining treatment has been withheld*  
29 *from an insured who has executed a POLST form,*  
30 *notwithstanding any term in the policy or annuity to the contrary.*

31 *3. A person may not prohibit or require the execution of a*  
32 *POLST form as a condition of being insured for, or receiving,*  
33 *health care.*

34 **Sec. 23.** *1. It is unlawful for:*

35 *(a) A provider of health care to willfully fail to transfer the*  
36 *care of a patient in accordance with subsection 3 of section 20 of*  
37 *this act.*

38 *(b) A person to willfully conceal, cancel, deface or obliterate a*  
39 *Physician Order for Life-Sustaining Treatment form without the*  
40 *consent of the patient who executed the form.*

41 *(c) A person to falsify or forge the POLST form of another*  
42 *person, or willfully conceal or withhold personal knowledge of the*  
43 *revocation of the POLST form of another person, with the intent*  
44 *to cause the withholding or withdrawal of emergency care or life-*  
45 *sustaining treatment contrary to the wishes of the patient.*





1 (d) *A person to require or prohibit the execution of a POLST*  
2 *form as a condition of being insured for, or receiving, health care*  
3 *in violation of subsection 3 of section 22 of this act.*

4 (e) *A person to coerce or fraudulently induce another to*  
5 *execute a POLST form.*

6 2. *A person who violates any of the provisions of this section*  
7 *is guilty of a misdemeanor.*

8 **Sec. 24.** *The provisions of sections 2 to 26, inclusive, of this*  
9 *act do not:*

10 1. *Require a provider of health care to take any action*  
11 *contrary to reasonable medical standards;*

12 2. *Affect the responsibility of a provider of health care to*  
13 *provide treatment for a patient's comfort or alleviation of pain;*

14 3. *Condone, authorize or approve mercy killing, euthanasia*  
15 *or assisted suicide;*

16 4. *Except as otherwise provided in section 18 of this act,*  
17 *affect or impair any right created pursuant to the provisions of*  
18 *any other types of advance directives; or*

19 5. *Affect the right of a patient to make decisions concerning*  
20 *the use of emergency care or life-sustaining treatment, if he or she*  
21 *is able to do so.*

22 **Sec. 25.** 1. *A Physician Order for Life-Sustaining*  
23 *Treatment form executed in another state in compliance with the*  
24 *laws of that state or this State is valid for the purposes of sections*  
25 *2 to 26, inclusive, of this act.*

26 2. *As used in this section, "state" includes the District of*  
27 *Columbia, the Commonwealth of Puerto Rico and a territory or*  
28 *insular possession subject to the jurisdiction of the United States.*

29 **Sec. 26.** *The Board may adopt such regulations as it*  
30 *determines to be necessary or advisable to carry out the provisions*  
31 *of sections 2 to 26, inclusive, of this act.*

32 **Sec. 27.** NRS 449.766 is hereby amended to read as follows:

33 449.766 "Aversive intervention" means any of the following  
34 actions if the action is used to punish a person with a disability or to  
35 eliminate, reduce or discourage maladaptive behavior of a person  
36 with a disability:

37 1. The use of noxious odors and tastes;

38 2. The use of water and other mists or sprays;

39 3. The use of blasts of air;

40 4. The use of corporal punishment;

41 5. The use of verbal and mental abuse;

42 6. The use of electric shock;

43 7. Requiring a person to perform exercise under forced  
44 conditions if the:





1 (a) Person is required to perform the exercise because the person  
2 exhibited a behavior that is related to his or her disability;

3 (b) Exercise is harmful to the health of the person because of his  
4 or her disability; or

5 (c) Nature of the person's disability prevents the person from  
6 engaging in the exercise;

7 8. Any intervention, technique or procedure that deprives a  
8 person of the use of one or more of the person's senses, regardless  
9 of the length of the deprivation, including, without limitation, the  
10 use of sensory screens; or

11 9. The deprivation of necessities needed to sustain the health of  
12 a person, regardless of the length of the deprivation, including,  
13 without limitation, the denial or unreasonable delay in the provision  
14 of:

15 (a) Food or liquid at a time when it is customarily served; or

16 (b) Medication.

17 ➔ The term does not include the withholding or withdrawal of life-  
18 sustaining treatment in accordance with NRS 449.626 ~~†~~ *or sections*  
19 *2 to 26, inclusive, of this act.*

20 **Sec. 28.** NRS 449.905 is hereby amended to read as follows:

21 449.905 "Advance directive" means an advance directive for  
22 health care. The term includes:

23 1. A declaration governing the withholding or withdrawal of  
24 life-sustaining treatment as set forth in NRS 449.535 to 449.690,  
25 inclusive;

26 2. A durable power of attorney for health care as set forth in  
27 NRS 162A.700 to 162A.860, inclusive; ~~and~~

28 3. A do-not-resuscitate order as defined in NRS 450B.420 ~~†~~ ;  
29 *and*

30 *4. A Physician Order for Life-Sustaining Treatment form as*  
31 *defined in section 12 of this act.*

32 **Sec. 29.** NRS 449.925 is hereby amended to read as follows:

33 449.925 1. A person who wishes to register an advance  
34 directive must submit to the Secretary of State:

35 (a) An application in the form prescribed by the Secretary of  
36 State;

37 (b) A copy of the advance directive; and

38 (c) The fee, if any, established by the Secretary of State pursuant  
39 to NRS 449.955.

40 2. If the person satisfies the requirements of subsection 1, the  
41 Secretary of State shall:

42 (a) Make an electronic reproduction of the advance directive and  
43 post it to the Registry ~~†~~ *and, if the person consents pursuant to*  
44 *NRS 439.591, the statewide health information exchange system*  
45 *established pursuant to NRS 439.581 to 439.595, inclusive;*



1 (b) Assign a registration number and password to the registrant;  
2 and

3 (c) Provide the registrant with a registration card that includes,  
4 without limitation, the name, registration number and password of  
5 the registrant.

6 3. The Secretary of State shall establish procedures for:

7 (a) The registration of an advance directive that replaces an  
8 advance directive that is posted on the Registry;

9 (b) The removal from the Registry of an advance directive that  
10 has been revoked following the revocation of the advance directive  
11 or the death of the registrant; and

12 (c) The issuance of a duplicate registration card or the provision  
13 of other access to the registrant's registration number and password  
14 if a registration card issued pursuant to this section is lost, stolen,  
15 destroyed or otherwise unavailable.

16 **Sec. 30.** NRS 449.945 is hereby amended to read as follows:

17 449.945 1. The provisions of NRS 449.900 to 449.965,  
18 inclusive, do not require a provider of health care to inquire whether  
19 a patient has an advance directive registered on the Registry or to  
20 access the Registry to determine the terms of the advance directive.

21 2. A provider of health care who relies in good faith on the  
22 provisions of an advance directive retrieved from the Registry is  
23 immune from criminal and civil liability as set forth in:

24 (a) NRS 449.630, if the advance directive is a declaration  
25 governing the withholding or withdrawal of life-sustaining treatment  
26 executed pursuant to NRS 449.535 to 449.690, inclusive, or a  
27 durable power of attorney for health care executed pursuant to NRS  
28 162A.700 to 162A.860, inclusive; ~~or~~

29 (b) *Sections 2 to 26, inclusive, of this act if the advance*  
30 *directive is a Physician Order for Life-Sustaining Treatment form;*  
31 *or*

32 (c) NRS 450B.540, if the advance directive is a do-not-  
33 resuscitate order as defined in NRS 450B.420.

34 **Sec. 31.** NRS 450B.470 is hereby amended to read as follows:

35 450B.470 "Qualified patient" means:

36 1. A patient 18 years of age or older who has been determined  
37 by the patient's attending physician to be in a terminal condition and  
38 who:

39 (a) Has executed a declaration in accordance with the  
40 requirements of NRS 449.600; ~~or~~

41 (b) *Has executed a Physician Order for Life-Sustaining*  
42 *Treatment form pursuant to sections 2 to 26, inclusive, of this act*  
43 *if the form provides that the patient is not to receive life-*  
44 *resuscitating treatment; or*



1 (c) Has been issued a do-not-resuscitate order pursuant to  
2 NRS 450B.510.

3 2. A patient who is less than 18 years of age and who:

4 (a) Has been determined by the patient's attending physician to  
5 be in a terminal condition; and

6 (b) Has *executed a Physician Order for Life-Sustaining*  
7 *Treatment form pursuant to sections 2 to 26, inclusive, of this act*  
8 *if the form provides that the patient is not to receive life-*  
9 *resuscitating treatment or has* been issued a do-not-resuscitate  
10 order pursuant to NRS 450B.510.

11 **Sec. 32.** NRS 450B.520 is hereby amended to read as follows:  
12 450B.520 Except as otherwise provided in NRS 450B.525:

13 1. A qualified patient may apply to the health authority for a  
14 do-not-resuscitate identification by submitting an application on a  
15 form provided by the health authority. To obtain a do-not-resuscitate  
16 identification, the patient must comply with the requirements  
17 prescribed by the board and sign a form which states that the patient  
18 has informed each member of his or her family within the first  
19 degree of consanguinity or affinity, whose whereabouts are known  
20 to the patient, or if no such members are living, the patient's legal  
21 guardian, if any, or if he or she has no such members living and has  
22 no legal guardian, his or her caretaker, if any, of the patient's  
23 decision to apply for an identification.

24 2. An application must include, without limitation:

25 (a) Certification by the patient's attending physician that the  
26 patient suffers from a terminal condition;

27 (b) Certification by the patient's attending physician that the  
28 patient is capable of making an informed decision or, when  
29 the patient was capable of making an informed decision, that the  
30 patient:

31 (1) Executed:

32 (I) A written directive that life-resuscitating treatment be  
33 withheld under certain circumstances; ~~or~~

34 (II) A durable power of attorney for health care pursuant  
35 to NRS 162A.700 to 162A.860, inclusive; *or*

36 (III) *A Physician Order for Life-Sustaining Treatment*  
37 *form pursuant to sections 2 to 26, inclusive, of this act if the form*  
38 *provides that the patient is not to receive life-resuscitating*  
39 *treatment; or*

40 (2) Was issued a do-not-resuscitate order pursuant to  
41 NRS 450B.510;

42 (c) A statement that the patient does not wish that life-  
43 resuscitating treatment be undertaken in the event of a cardiac or  
44 respiratory arrest;



1 (d) The name, signature and telephone number of the patient's  
2 attending physician; and

3 (e) The name and signature of the patient or the agent who is  
4 authorized to make health care decisions on the patient's behalf  
5 pursuant to a durable power of attorney for health care decisions.

6 **Sec. 33.** NRS 450B.525 is hereby amended to read as follows:

7 450B.525 1. A parent or legal guardian of a minor may apply  
8 to the health authority for a do-not-resuscitate identification on  
9 behalf of the minor if the minor has been:

10 (a) Determined by his or her attending physician to be in a  
11 terminal condition; and

12 (b) Issued a do-not-resuscitate order pursuant to NRS 450B.510.

13 2. To obtain such a do-not-resuscitate identification, the parent  
14 or legal guardian must:

15 (a) Submit an application on a form provided by the health  
16 authority; and

17 (b) Comply with the requirements prescribed by the board.

18 3. An application submitted pursuant to subsection 2 must  
19 include, without limitation:

20 (a) Certification by the minor's attending physician that the  
21 minor:

22 (1) Suffers from a terminal condition; and

23 (2) Has *executed a Physician Order for Life-Sustaining*  
24 *Treatment form pursuant to sections 2 to 26, inclusive, of this act*  
25 *if the form provides that the minor is not to receive life-*  
26 *resuscitating treatment or has* been issued a do-not-resuscitate  
27 order pursuant to NRS 450B.510;

28 (b) A statement that the parent or legal guardian of the minor  
29 does not wish that life-resuscitating treatment be undertaken in the  
30 event of a cardiac or respiratory arrest;

31 (c) The name of the minor;

32 (d) The name, signature and telephone number of the minor's  
33 attending physician; and

34 (e) The name, signature and telephone number of the minor's  
35 parent or legal guardian.

36 4. The parent or legal guardian of the minor may revoke the  
37 authorization to withhold life-resuscitating treatment by removing or  
38 destroying or requesting the removal or destruction of the  
39 identification or otherwise indicating to a person that he or she  
40 wishes to have the identification removed or destroyed.

41 5. If, in the opinion of the attending physician, the minor is of  
42 sufficient maturity to understand the nature and effect of  
43 withholding life-resuscitating treatment:

44 (a) The do-not-resuscitate identification obtained pursuant to  
45 this section is not effective without the assent of the minor.



1 (b) The minor may revoke the authorization to withhold life-  
2 resuscitating treatment by removing or destroying or requesting the  
3 removal or destruction of the identification or otherwise indicating  
4 to a person that the minor wishes to have the identification removed  
5 or destroyed.

6 **Sec. 34.** NRS 450B.590 is hereby amended to read as follows:  
7 450B.590 The provisions of NRS 450B.400 to 450B.590,  
8 inclusive, do not:

9 1. Require a physician or other provider of health care to take  
10 action contrary to reasonable medical standards;

11 2. Condone, authorize or approve mercy killing, euthanasia or  
12 assisted suicide;

13 3. Substitute for any other legally authorized procedure by  
14 which a person may direct that the person not be resuscitated in the  
15 event of a cardiac or respiratory arrest;

16 4. ~~Affect~~ *Except as otherwise provided in section 18 of this*  
17 *act, affect* or impair any right created pursuant to the provisions of  
18 NRS 449.535 to 449.690, inclusive ~~§~~ , *or sections 2 to 26,*  
19 *inclusive, of this act;* or

20 5. Affect the right of a qualified patient to make decisions  
21 concerning the use of life-resuscitating treatment, if he or she is able  
22 to do so, or impair or supersede a right or responsibility of a person  
23 to affect the withholding of medical care in a lawful manner.

24 **Sec. 35.** NRS 451.595 is hereby amended to read as follows:  
25 451.595 1. As used in this section:

26 (a) "Advance health-care directive" means a power of attorney  
27 for health care or other record signed by a prospective donor, or  
28 executed in the manner set forth in NRS 162A.790, containing the  
29 prospective donor's direction concerning a health-care decision for  
30 the prospective donor.

31 (b) "Declaration" means a record signed by a prospective donor,  
32 or executed as set forth in NRS 449.600, specifying the  
33 circumstances under which life-sustaining treatment may be  
34 withheld or withdrawn from the prospective donor. *The term*  
35 *includes a Physician Order for Life-Sustaining Treatment form*  
36 *executed pursuant to sections 2 to 26, inclusive, of this act.*

37 (c) "Health-care decision" means any decision made regarding  
38 the health care of the prospective donor.

39 2. If a prospective donor has a declaration or advance health-  
40 care directive and the terms of the declaration or advance health-  
41 care directive and the express or implied terms of the potential  
42 anatomical gift are in conflict concerning the administration of  
43 measures necessary to ensure the medical suitability of a part for  
44 transplantation or therapy:



1 (a) The attending physician of the prospective donor shall confer  
2 with the prospective donor to resolve the conflict or, if the  
3 prospective donor is incapable of resolving the conflict, with:

4 (1) An agent acting under the declaration or advance health-  
5 care directive of the prospective donor; or

6 (2) If an agent is not named in the declaration or advance  
7 health-care directive or the agent is not reasonably available, any  
8 other person authorized by law, other than by a provision of NRS  
9 451.500 to 451.598, inclusive, to make a health-care decision for the  
10 prospective donor.

11 (b) The conflict must be resolved as expeditiously as  
12 practicable.

13 (c) Information relevant to the resolution of the conflict may be  
14 obtained from the appropriate procurement organization and any  
15 other person authorized to make an anatomical gift of the  
16 prospective donor's body or part under NRS 451.556.

17 (d) Before the resolution of the conflict, measures necessary to  
18 ensure the medical suitability of the part may not be withheld or  
19 withdrawn from the prospective donor, if withholding or  
20 withdrawing the measures is not medically contraindicated for the  
21 appropriate treatment of the prospective donor at the end of his or  
22 her life.

23 **Sec. 36.** NRS 129.030 is hereby amended to read as follows:

24 129.030 1. Except as otherwise provided in NRS 450B.525, a  
25 minor may give consent for the services provided in subsection 2 for  
26 himself or herself or for his or her child, if the minor is:

27 (a) Living apart from his or her parents or legal guardian, with  
28 or without the consent of the parent, parents or legal guardian, and  
29 has so lived for a period of at least 4 months;

30 (b) Married or has been married;

31 (c) A mother, or has borne a child; or

32 (d) In a physician's judgment, in danger of suffering a serious  
33 health hazard if health care services are not provided.

34 2. Except as otherwise provided in subsection 4 and NRS  
35 450B.525, *and section 16 of this act*, the consent of the parent or  
36 parents or the legal guardian of a minor is not necessary for a local  
37 or state health officer, board of health, licensed physician or public  
38 or private hospital to examine or provide treatment for any minor,  
39 included within the provisions of subsection 1, who understands the  
40 nature and purpose of the proposed examination or treatment and its  
41 probable outcome, and voluntarily requests it. The consent of the  
42 minor to examination or treatment pursuant to this subsection is not  
43 subject to disaffirmance because of minority.

44 3. A person who treats a minor pursuant to subsection 2 shall,  
45 before initiating treatment, make prudent and reasonable efforts to



1 obtain the consent of the minor to communicate with his or her  
2 parent, parents or legal guardian, and shall make a note of such  
3 efforts in the record of the minor's care. If the person believes that  
4 such efforts would jeopardize treatment necessary to the minor's life  
5 or necessary to avoid a serious and immediate threat to the minor's  
6 health, the person may omit such efforts and note the reasons for the  
7 omission in the record.

8 4. A minor may not consent to his or her sterilization.

9 5. In the absence of negligence, no person providing services  
10 pursuant to subsection 2 is subject to civil or criminal liability for  
11 providing those services.

12 6. The parent, parents or legal guardian of a minor who  
13 receives services pursuant to subsection 2 are not liable for the  
14 payment for those services unless the parent, parents or legal  
15 guardian has consented to such health care services. The provisions  
16 of this subsection do not relieve a parent, parents or legal guardian  
17 from liability for payment for emergency services provided to a  
18 minor pursuant to NRS 129.040.

19 **Sec. 37.** NRS 129.050 is hereby amended to read as follows:

20 129.050 1. Except as otherwise provided in NRS 450B.525,  
21 *and section 16 of this act*, any minor who is under the influence of,  
22 or suspected of being under the influence of, a controlled substance:

23 (a) May give express consent; or

24 (b) If unable to give express consent, shall be deemed to  
25 consent,

26 ↪ to the furnishing of hospital, medical, surgical or other care for  
27 the treatment of abuse of drugs or related illnesses by any public or  
28 private hospital, medical facility, facility for the dependent, other  
29 than a halfway house for alcohol and drug abusers, or any licensed  
30 physician, and the consent of the minor is not subject to  
31 disaffirmance because of minority.

32 2. Immunity from civil or criminal liability extends to any  
33 physician or other person rendering care or treatment pursuant to  
34 subsection 1, in the absence of negligent diagnosis, care or  
35 treatment.

36 3. The consent of the parent, parents or legal guardian of the  
37 minor is not necessary to authorize such care, but any physician who  
38 treats a minor pursuant to this section shall make every reasonable  
39 effort to report the fact of treatment to the parent, parents or legal  
40 guardian within a reasonable time after treatment.





