
ASSEMBLY BILL NO. 199—ASSEMBLYWOMAN WOODBURY

PREFILED FEBRUARY 13, 2017

JOINT SPONSOR: SENATOR HARDY

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to end-of-life care.
(BDR 40-813)

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.

~

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

AN ACT relating to health care; authorizing a physician assistant or advanced practice registered nurse to take certain actions relating to a Physician Order for Life-Sustaining Treatment; revising provisions governing the execution and revocation of a Physician Order for Life-Sustaining Treatment form; requiring the Registry of Advance Directives for Health Care to include a form for electronically completing and registering a Physician Order for Life-Sustaining Treatment; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the State Board of Health to adopt a Physician Order for
2 Life-Sustaining Treatment form (POLST form), a document which records the
3 wishes of a patient and directs any provider of health care regarding the provision
4 of life-resuscitating treatment and life-sustaining treatment. (NRS 449.694)
5 Existing law also specifies that a patient who is at least 18 years of age and of
6 sound mind is allowed to request, execute and revoke a POLST form. Under
7 existing law, if a patient is at least 18 years of age and incompetent, certain legal
8 representatives of the patient are authorized to execute and revoke a POLST form
9 on behalf of the patient. (NRS 449.6942, 449.6944) **Sections 2-5, 7-17 and 21-25**
10 of this bill authorize a physician assistant or advanced practice registered nurse to
11 make certain determinations related to a POLST form and to execute a POLST
12 form for a patient. **Sections 9 and 10** also revise provisions governing the



13 execution and revocation of a POLST form. **Section 9:** (1) provides that, under
14 certain circumstances, a surrogate who is not a legal representative of the patient,
15 including, without limitation, certain family members of the patient or any other
16 adult who has exhibited special care or concern for the patient, is familiar with the
17 values of the patient and willing and able to make health care decisions for the
18 patient, is authorized to request and execute a POLST form for the patient; and (2)
19 revises the standard for determining whether a patient has the capacity to request
20 and execute a POLST form. **Section 10** revises the standard for determining
21 whether a patient has the capacity to revoke a POLST form so that the standard
22 matches the standard set forth in **section 9** for determining whether the patient has
23 the capacity to execute a POLST form.

24 Existing law contains provisions for resolving potential conflicts between a
25 POLST form and another type of instrument governing the withholding or
26 withdrawal of life-resuscitating treatment and life-sustaining treatment. (NRS
27 449.6946) **Section 11** requires a provider of health care to honor a declaration,
28 direction or order set forth in a POLST form to provide life-resuscitating treatment
29 if the declaration, direction or order is executed after a do-not-resuscitate
30 identification was issued to the patient.

31 Existing law establishes a Registry of Advance Directives for Health Care,
32 administered by the Secretary of State, in which certain declarations, directions or
33 orders relating to the administration of life-resuscitating treatment or life-sustaining
34 treatment of a patient may be deposited to facilitate treatment of that patient by any
35 health care provider. (NRS 449.900-449.965) **Sections 19 and 20** of this bill
36 provide for the completion and registration of a POLST form electronically on the
37 Internet website of the Secretary of State.

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 5, inclusive, of this
3 act.

4 **Sec. 2.** *“Advanced practice registered nurse” means a*
5 *registered nurse who holds a valid license as an advanced practice*
6 *registered nurse issued by the State Board of Nursing pursuant to*
7 *NRS 632.237.*

8 **Sec. 3.** *“Attending advanced practice registered nurse”*
9 *means an advanced practice registered nurse who has primary*
10 *responsibility for the treatment and care of the patient.*

11 **Sec. 4.** *“Attending physician assistant” means a physician*
12 *assistant who has primary responsibility for the treatment and*
13 *care of the patient.*

14 **Sec. 5.** *“Physician assistant” means a person who holds a*
15 *license as a physician assistant pursuant to chapter 630 or 633 of*
16 *NRS.*

17 **Sec. 6.** NRS 449.691 is hereby amended to read as follows:
18 449.691 As used in NRS 449.691 to 449.697, inclusive, *and*
19 *sections 2 to 5, inclusive, of this act*, unless the context otherwise
20 requires, the words and terms defined in NRS 449.6912 to



1 449.6934, inclusive, *and sections 2 to 5, inclusive, of this act* have
2 the meanings ascribed to them in those sections.

3 **Sec. 7.** NRS 449.693 is hereby amended to read as follows:

4 449.693 ~~["Physician]~~ **"Provider** Order for Life-Sustaining
5 Treatment form" or "POLST form" means the form prescribed
6 pursuant to NRS 449.694 that:

- 7 1. Records the wishes of the patient; and
- 8 2. Directs a provider of health care regarding the provision of
9 life-resuscitating treatment and life-sustaining treatment.

10 **Sec. 8.** NRS 449.694 is hereby amended to read as follows:

11 449.694 The Board shall prescribe a standardized ~~["Physician]~~
12 **Provider** Order for Life-Sustaining Treatment form, commonly
13 known as a POLST form, which:

- 14 1. Is uniquely identifiable and has a uniform color;
- 15 2. Provides a means by which to indicate whether the patient
16 has made an anatomical gift pursuant to NRS 451.500 to 451.598,
17 inclusive;
- 18 3. Gives direction to a provider of health care or health care
19 facility regarding the use of emergency care and life-sustaining
20 treatment;
- 21 4. Is intended to be honored by any provider of health care who
22 treats the patient in any health-care setting, including, without
23 limitation, the patient's residence, a health care facility or the scene
24 of a medical emergency; and
- 25 5. Includes such other features and information as the Board
26 may deem advisable.

27 **Sec. 9.** NRS 449.6942 is hereby amended to read as follows:

28 449.6942 1. A physician , *physician assistant or advanced*
29 *practice registered nurse* shall take the actions described in
30 subsection 2:

- 31 (a) If the physician , *physician assistant or advanced practice*
32 *registered nurse* diagnoses a patient with a terminal condition;
- 33 (b) If the physician , *physician assistant or advanced practice*
34 *registered nurse* determines, for any reason, that a patient has a life
35 expectancy of less than 5 years; or
- 36 (c) At the request of a patient.

37 2. Upon the occurrence of any of the events specified in
38 subsection 1, the physician , *physician assistant or advanced*
39 *practice registered nurse* shall explain to the patient:

- 40 (a) The existence and availability of the ~~["Physician]~~ **Provider**
41 Order for Life-Sustaining Treatment form;
- 42 (b) The features of and procedures offered by way of the POLST
43 form; and
- 44 (c) The differences between a POLST form and the other types
45 of advance directives.



1 3. ~~Upon the request of the patient, the~~ The physician ,
2 *physician assistant or advanced practice registered nurse* shall
3 complete the POLST form based on the preferences and medical
4 indications of the patient ~~†~~, *upon the request of:*

5 (a) *If the patient is 18 years of age or older and the physician,*
6 *physician assistant or advanced practice registered nurse*
7 *determines that the patient has the capacity to make decisions*
8 *regarding his or her wishes for the provision of life-resuscitating*
9 *treatment and life-sustaining treatment, the patient.*

10 (b) *If the patient is 18 years of age or older and the physician,*
11 *physician assistant or advanced practice registered nurse*
12 *determines that the patient lacks the capacity to make decisions*
13 *regarding his or her wishes for the provision of life-resuscitating*
14 *treatment and life-sustaining treatment:*

15 (1) *The representative of the patient; or*

16 (2) *If no person is a representative of the patient and a*
17 *valid POLST form has not been executed by the patient or the*
18 *representative of the patient, a surrogate of the patient who has*
19 *the capacity to make decisions regarding the provision of life-*
20 *resuscitating treatment and life-sustaining treatment for the*
21 *patient.*

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

24 4. A POLST form is valid upon execution by a physician ,
25 *physician assistant or advanced practice registered nurse* and:

26 (a) If the patient is 18 years of age or older and ~~of sound mind,~~
27 *the physician, physician assistant or advanced practice registered*
28 *nurse determines that the patient has the capacity to make*
29 *decisions regarding his or her wishes for the provision of*
30 *life-resuscitating treatment and life-sustaining treatment, the*
31 *patient. †*

32 (b) If the patient is 18 years of age or older and ~~incompetent,~~
33 *the physician, physician assistant or advanced practice registered*
34 *nurse determines that the patient lacks the capacity to make*
35 *decisions regarding his or her wishes for the provision of life-*
36 *resuscitating treatment and life-sustaining treatment:*

37 (1) *The representative of the patient; or*

38 (2) *If no person is a representative of the patient and a*
39 *valid POLST form has not been executed by the patient or the*
40 *representative of the patient, a surrogate of the patient who has*
41 *the capacity to make decisions regarding the provision of life-*
42 *resuscitating treatment and life-sustaining treatment for the*
43 *patient.*

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



1 5. *If, pursuant to subsection 3, a valid POLST form has been*
2 *executed by a representative or surrogate of the patient and a*
3 *provider of health care or the representative or surrogate of the*
4 *patient believes that the patient has regained the capacity to make*
5 *decisions regarding his or her wishes for the provision of life-*
6 *resuscitating treatment and life-sustaining treatment, a physician,*
7 *physician assistant or advanced practice registered nurse must*
8 *examine the patient and inform the patient of the execution of the*
9 *POLST form. If the physician, physician assistant or advanced*
10 *practice registered nurse determines that the patient regained the*
11 *capacity to make decisions regarding his or her wishes for the*
12 *provision of life-resuscitating treatment and life-sustaining*
13 *treatment, the patient may approve the execution of the POLST*
14 *form or, pursuant to NRS 449.6944, revoke the POLST form*
15 *executed for the patient by his or her representative or surrogate.*
16 *If the patient approves the execution of the POLST form executed*
17 *by his or her representative or surrogate, such approval must be*
18 *made a part of the medical record of the patient and the POLST*
19 *form is deemed to be valid. The physician, physician assistant or*
20 *advanced practice registered nurse who examined the patient must*
21 *notify the representative or surrogate of the patient who executed*
22 *the POLST form of the decision of the patient to approve or revoke*
23 *the POLST form.*

24 6. *For the purpose of determining whether a surrogate of the*
25 *patient is authorized to request and execute a POLST form*
26 *pursuant to subsections 3 and 4, respectively:*

27 (a) *If a class entitled to decide whether to request and execute*
28 *a POLST form is not reasonably available for consultation and*
29 *capable of deciding or declines to decide, the next class is*
30 *authorized to decide, but an equal division in a class does not*
31 *authorize the next class to decide.*

32 (b) *A decision to request and execute a POLST form must be*
33 *made in good faith and is not valid if it conflicts with the*
34 *expressed intention of the patient.*

35 (c) *A decision of the physician, physician assistant or*
36 *advanced practice registered nurse acting in good faith that a*
37 *decision to request and execute a POLST form is valid or invalid is*
38 *conclusive.*

39 7. As used in this section ~~f, "terminal"~~:

40 (a) *"Surrogate of the patient" means the following persons, in*
41 *order of priority:*

42 (1) *The spouse of the patient;*

43 (2) *An adult child of the patient or, if there is more than*
44 *one adult child, a majority of the adult children who are*
45 *reasonably available for consultation;*



1 (3) *The parents of the patient;*

2 (4) *An adult sibling of the patient or, if there is more than*
3 *one adult sibling, a majority of the adult siblings who are*
4 *reasonably available for consultation;*

5 (5) *The nearest other adult relative of the patient by blood*
6 *or adoption who is reasonably available for consultation; or*

7 (6) *An adult who has exhibited special care or concern for*
8 *the patient, is familiar with the values of the patient and willing*
9 *and able to make health care decisions for the patient.*

10 (b) "Terminal condition" has the meaning ascribed to it in
11 NRS 449.590.

12 **Sec. 10.** NRS 449.6944 is hereby amended to read as follows:

13 449.6944 1. A ~~{Physician}~~ *Provider* Order for Life-
14 Sustaining Treatment form may be revoked at any time and in any
15 manner by:

16 (a) The patient who executed it ~~{}~~ *or for whom a representative*
17 *or surrogate executed it pursuant to NRS 449.6942, if ~~{competent,}~~*
18 *the patient has the capacity to make decisions regarding his or her*
19 *wishes for the provision of life-resuscitating treatment and life-*
20 *sustaining treatment, without regard to his or her age or physical*
21 *condition;*

22 (b) If the patient ~~{is incompetent,}~~ *lacks the capacity to make*
23 *decisions regarding his or her wishes for the provision of life-*
24 *resuscitating treatment and life-sustaining treatment, the*
25 *representative of the patient; or*

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

28 2. The revocation of a POLST form is effective upon the
29 communication to a provider of health care, by the patient or a
30 witness to the revocation, of the desire to revoke the form. The
31 provider of health care to whom the revocation is communicated
32 shall:

33 (a) Make the revocation a part of the medical record of the
34 patient; or

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

37 **Sec. 11.** NRS 449.6946 is hereby amended to read as follows:

38 449.6946 1. If a valid ~~{Physician}~~ *Provider* Order for Life-
39 Sustaining Treatment form sets forth a declaration, direction or
40 order which conflicts with a declaration, direction or order set forth
41 in one or more of the other types of advance directives:

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



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

4 2. If a valid POLST form sets forth a declaration, direction or
5 order to provide life-resuscitating treatment to a patient who also
6 possesses a do-not-resuscitate identification, a provider of health
7 care shall ~~not~~ provide life-resuscitating treatment if the ~~do not~~
8 ~~resuscitate identification is on the person of the patient when the~~
9 ~~need for life resuscitating treatment arises.~~ *declaration, direction*
10 *or order to provide life-resuscitating treatment set forth in the*
11 *valid POLST form was executed more recently than the issuance*
12 *of the do-not-resuscitate identification.*

13 **Sec. 12.** NRS 449.6948 is hereby amended to read as follows:

14 449.6948 1. A provider of health care is not guilty of
15 unprofessional conduct or subject to civil or criminal liability if:

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

18 (1) In compliance with a ~~Physician~~ *Provider* Order for
19 Life-Sustaining Treatment form and the provisions of NRS 449.691
20 to 449.697, inclusive ~~§~~, *and sections 2 to 5, inclusive, of this act;*
21 or

22 (2) In violation of a ~~Physician~~ *Provider* Order for Life-
23 Sustaining Treatment form if the provider of health care is acting in
24 accordance with a declaration, direction or order set forth in one or
25 more of the other types of advance directives and:

26 (I) Complies with the provisions of NRS 449.695; or

27 (II) Reasonably and in good faith, at the time the
28 emergency care or life-sustaining treatment is withheld, is unaware
29 of the existence of the POLST form or believes that the POLST
30 form has been revoked pursuant to NRS 449.6944; or

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

33 (1) Pursuant to an oral or written request made by the patient,
34 the representative of the patient, or a parent or legal guardian of the
35 patient, who may revoke the POLST form pursuant to
36 NRS 449.6944;

37 (2) Pursuant to an observation that the patient, the
38 representative of the patient or a parent or legal guardian of the
39 patient has revoked, or otherwise indicated that he or she wishes to
40 revoke, the POLST form pursuant to NRS 449.6944; or

41 (3) In violation of a POLST form, if the provider of health
42 care reasonably and in good faith, at the time the emergency care or
43 life-sustaining treatment is provided, is unaware of the existence of
44 the POLST form or believes that the POLST form has been revoked
45 pursuant to NRS 449.6944.



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

6 **Sec. 13.** NRS 449.695 is hereby amended to read as follows:

7 449.695 1. Except as otherwise provided in this section and
8 NRS 449.6946, a provider of health care shall comply with a valid
9 ~~{Physician}~~ *Provider* Order for Life-Sustaining Treatment form,
10 regardless of whether the provider of health care is employed by a
11 health care facility or other entity affiliated with the physician ,
12 *physician assistant or advanced practice registered nurse* who
13 executed the POLST form.

14 2. A physician , *physician assistant or advanced practice*
15 *registered nurse* may medically evaluate the patient and, based
16 upon the evaluation, may recommend new orders consistent with the
17 most current information available about the patient's health status
18 and goals of care. Before making a modification to a valid POLST
19 form, the physician , *physician assistant or advanced practice*
20 *registered nurse* shall consult the patient or, if the patient ~~is~~
21 ~~incompetent,~~ *lacks decisional capacity*, shall make a reasonable
22 attempt to consult the representative of the patient and the patient's
23 attending physician ~~{}~~ , *attending physician assistant or attending*
24 *advanced practice registered nurse*.

25 3. Except as otherwise provided in subsection 4, a provider of
26 health care who is unwilling or unable to comply with a valid
27 POLST form shall take all reasonable measures to transfer the
28 patient to a physician , *physician assistant, advanced practice*
29 *registered nurse* or health care facility so that the POLST form will
30 be followed.

31 4. Life-sustaining treatment must not be withheld or withdrawn
32 pursuant to a POLST form of a patient known to the attending
33 physician , *attending physician assistant or attending advanced*
34 *practice registered nurse* to be pregnant, so long as it is probable
35 that the fetus will develop to the point of live birth with the
36 continued application of life-sustaining treatment.

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

40 **Sec. 14.** NRS 449.6952 is hereby amended to read as follows:

41 449.6952 1. Unless he or she has knowledge to the contrary,
42 a provider of health care may assume that a ~~{Physician}~~ *Provider*
43 Order for Life-Sustaining Treatment form complies with the
44 provisions of NRS 449.691 to 449.697, inclusive, *and sections 2 to*
45 *5, inclusive, of this act* and is valid.



1 2. The provisions of NRS 449.691 to 449.697, inclusive, *and*
2 *sections 2 to 5, inclusive, of this act* do not create a presumption
3 concerning the intention of a:

4 (a) Patient if the patient, the representative of the patient or a
5 parent or legal guardian of the patient has revoked the POLST form
6 pursuant to NRS 449.6944; or

7 (b) Person who has not executed a POLST form,
8 → concerning the use or withholding of emergency care or life-
9 sustaining treatment.

10 **Sec. 15.** NRS 449.6954 is hereby amended to read as follows:

11 449.6954 1. Death that results when emergency care or life-
12 sustaining treatment has been withheld pursuant to a ~~Physician~~
13 *Provider* Order for Life-Sustaining Treatment form and in
14 accordance with the provisions of NRS 449.691 to 449.697,
15 inclusive, *and sections 2 to 5, inclusive, of this act* does not
16 constitute a suicide or homicide.

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

25 3. A person may not prohibit or require the execution of a
26 POLST form as a condition of being insured for, or receiving, health
27 care.

28 **Sec. 16.** NRS 449.6956 is hereby amended to read as follows:

29 449.6956 1. It is unlawful for:

30 (a) A provider of health care to willfully fail to transfer the care
31 of a patient in accordance with subsection 3 of NRS 449.695.

32 (b) A person to willfully conceal, cancel, deface or obliterate a
33 ~~Physician~~ *Provider* Order for Life-Sustaining Treatment form
34 without the consent of the patient who executed the form.

35 (c) A person to falsify or forge the POLST form of another
36 person, or willfully conceal or withhold personal knowledge of the
37 revocation of the POLST form of another person, with the intent to
38 cause the withholding or withdrawal of emergency care or life-
39 sustaining treatment contrary to the wishes of the patient.

40 (d) A person to require or prohibit the execution of a POLST
41 form as a condition of being insured for, or receiving, health care in
42 violation of subsection 3 of NRS 449.6954.

43 (e) A person to coerce or fraudulently induce another to execute
44 a POLST form.



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

3 **Sec. 17.** NRS 449.696 is hereby amended to read as follows:

4 449.696 1. A ~~{Physician}~~ *Provider* Order for Life-Sustaining
5 Treatment form executed in another state in compliance with the
6 laws of that state or this State is valid for the purposes of NRS
7 449.691 to 449.697, inclusive ~~{}~~, *and sections 2 to 5, inclusive, of*
8 *this act.*

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

12 **Sec. 18.** NRS 449.905 is hereby amended to read as follows:

13 449.905 "Advance directive" means an advance directive for
14 health care. The term includes:

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

18 2. A durable power of attorney for health care as set forth in
19 NRS 162A.700 to 162A.865, inclusive;

20 3. A do-not-resuscitate order as defined in NRS 450B.420; and

21 4. A ~~{Physician}~~ *Provider* Order for Life-Sustaining Treatment
22 form as defined in NRS 449.693.

23 **Sec. 19.** NRS 449.920 is hereby amended to read as follows:

24 449.920 The Secretary of State shall establish and maintain the
25 Registry of Advance Directives for Health Care on the Internet
26 website of the Secretary of State. The Registry must include,
27 without limitation, in a secure portion of the website ~~{, an}~~ :

28 1. *An* electronic reproduction of each advance directive. The
29 electronic reproduction must be capable of being viewed on the
30 website and downloaded, printed or otherwise retrieved by a person
31 as set forth in NRS 449.930.

32 2. *A fillable form by which a person may complete and*
33 *register a Provider Order for Life-Sustaining Treatment form*
34 *electronically on the Internet website of the Secretary of State. The*
35 *submitted form must be capable of being viewed on the website*
36 *and downloaded, printed or otherwise retrieved by a person as set*
37 *forth in NRS 449.930.*

38 **Sec. 20.** NRS 449.925 is hereby amended to read as follows:

39 449.925 1. A person who wishes to register an advance
40 directive must ~~{submit}~~ :

41 (a) *Submit* to the Secretary of State:

42 ~~{(a)}~~ (1) An application in the form prescribed by the Secretary
43 of State;

44 ~~{(b)}~~ (2) A copy of the advance directive; and



1 ~~(e)~~ (3) The fee, if any, established by the Secretary of State
2 pursuant to NRS 449.955 ~~H~~; or

3 (b) *Complete and submit:*

4 (1) *The electronic form prescribed by the Secretary of State*
5 *on the Internet website of the Secretary of State to register a*
6 *Provider Order for Life-Sustaining Treatment form; and*

7 (2) *The fee, if any, established by the Secretary of State*
8 *pursuant to NRS 449.955.*

9 2. If the person satisfies the requirements of subsection 1, the
10 Secretary of State shall:

11 (a) Make an electronic reproduction of the advance directive and
12 post it to the Registry, *as applicable*, and, if the person consents
13 pursuant to NRS 439.591, a health information exchange established
14 pursuant to NRS 439.581 to 439.595, inclusive, if that health
15 information exchange is connected to the Registry;

16 (b) Assign a registration number and password to the registrant;
17 and

18 (c) Provide the registrant with a registration card that includes,
19 without limitation, the name, registration number and password of
20 the registrant.

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

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

24 (b) The removal from the Registry of an advance directive that
25 has been revoked following the revocation of the advance directive
26 or the death of the registrant; and

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

31 **Sec. 21.** NRS 449.945 is hereby amended to read as follows:

32 449.945 1. The provisions of NRS 449.900 to 449.965,
33 inclusive, do not require a provider of health care to inquire whether
34 a patient has an advance directive registered on the Registry or to
35 access the Registry to determine the terms of the advance directive.

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

39 (a) NRS 449.630, if the advance directive is a declaration
40 governing the withholding or withdrawal of life-sustaining treatment
41 executed pursuant to NRS 449.535 to 449.690, inclusive, or a
42 durable power of attorney for health care executed pursuant to NRS
43 162A.700 to 162A.865, inclusive;



1 (b) NRS 449.691 to 449.697, inclusive, *and sections 2 to 5,*
2 *inclusive, of this act,* if the advance directive is a ~~Physician~~
3 *Provider* Order for Life-Sustaining Treatment form; or

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

6 **Sec. 22.** NRS 450B.470 is hereby amended to read as follows:

7 450B.470 "Qualified patient" means:

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

11 (a) Has executed a declaration in accordance with the
12 requirements of NRS 449.600;

13 (b) Has executed a ~~Physician~~ *Provider* Order for Life-
14 Sustaining Treatment form pursuant to NRS 449.691 to 449.697,
15 inclusive, *and sections 2 to 5, inclusive, of this act,* if the form
16 provides that the patient is not to receive life-resuscitating treatment;
17 or

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

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

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

23 (b) Has executed a Physician Order for Life-Sustaining
24 Treatment form pursuant to NRS 449.691 to 449.697, inclusive, if
25 the form provides that the patient is not to receive life-resuscitating
26 treatment or has been issued a do-not-resuscitate order pursuant to
27 NRS 450B.510.

28 **Sec. 23.** NRS 450B.520 is hereby amended to read as follows:

29 450B.520 Except as otherwise provided in NRS 450B.525:

30 1. A qualified patient may apply to the health authority for a
31 do-not-resuscitate identification by submitting an application on a
32 form provided by the health authority. To obtain a do-not-resuscitate
33 identification, the patient must comply with the requirements
34 prescribed by the board and sign a form which states that the patient
35 has informed each member of his or her family within the first
36 degree of consanguinity or affinity, whose whereabouts are known to
37 the patient, or if no such members are living, the patient's legal
38 guardian, if any, or if he or she has no such members living and has
39 no legal guardian, his or her caretaker, if any, of the patient's
40 decision to apply for an identification.

41 2. An application must include, without limitation:

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



1 (b) Certification by the patient's attending physician that
2 the patient is capable of making an informed decision or, when the
3 patient was capable of making an informed decision, that the
4 patient:

5 (1) Executed:

6 (I) A written directive that life-resuscitating treatment be
7 withheld under certain circumstances;

8 (II) A durable power of attorney for health care pursuant
9 to NRS 162A.700 to 162A.865, inclusive; or

10 (III) A ~~[Physician]~~ *Provider* Order for Life-Sustaining
11 Treatment form pursuant to NRS 449.691 to 449.697, inclusive, *and*
12 *sections 2 to 5, inclusive, of this act*, if the form provides that the
13 patient is not to receive life-resuscitating treatment; or

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

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

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

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

24 **Sec. 24.** NRS 450B.525 is hereby amended to read as follows:

25 450B.525 1. A parent or legal guardian of a minor may apply
26 to the health authority for a do-not-resuscitate identification on
27 behalf of the minor if the minor has been:

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

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

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

33 (a) Submit an application on a form provided by the health
34 authority; and

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

36 3. An application submitted pursuant to subsection 2 must
37 include, without limitation:

38 (a) Certification by the minor's attending physician that the
39 minor:

40 (1) Suffers from a terminal condition; and

41 (2) Has executed a ~~[Physician]~~ *Provider* Order for Life-
42 Sustaining Treatment form pursuant to NRS 449.691 to 449.697,
43 inclusive, *and sections 2 to 5, inclusive, of this act*, if the form
44 provides that the minor is not to receive life-resuscitating treatment



1 or has been issued a do-not-resuscitate order pursuant to
2 NRS 450B.510;

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

6 (c) The name of the minor;

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

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

11 4. The parent or legal guardian of the minor may revoke the
12 authorization to withhold life-resuscitating treatment by removing or
13 destroying or requesting the removal or destruction of the
14 identification or otherwise indicating to a person that he or she
15 wishes to have the identification removed or destroyed.

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

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

21 (b) The minor may revoke the authorization to withhold life-
22 resuscitating treatment by removing or destroying or requesting the
23 removal or destruction of the identification or otherwise indicating
24 to a person that the minor wishes to have the identification removed
25 or destroyed.

26 **Sec. 25.** NRS 451.595 is hereby amended to read as follows:

27 451.595 1. As used in this section:

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

33 (b) "Declaration" means a record signed by a prospective donor,
34 or executed as set forth in NRS 449.600, specifying the
35 circumstances under which life-sustaining treatment may be
36 withheld or withdrawn from the prospective donor. The term
37 includes a ~~Physician~~ **Provider** Order for Life-Sustaining Treatment
38 form executed pursuant to NRS 449.691 to 449.697, inclusive ~~H~~ ,
39 **and sections 2 to 5, inclusive, of this act.**

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

42 2. If a prospective donor has a declaration or advance health-
43 care directive and the terms of the declaration or advance health-
44 care directive and the express or implied terms of the potential
45 anatomical gift are in conflict concerning the administration of



1 measures necessary to ensure the medical suitability of a part for
2 transplantation or therapy:

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

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

8 (2) If an agent is not named in the declaration or advance
9 health-care directive or the agent is not reasonably available, any
10 other person authorized by law, other than by a provision of NRS
11 451.500 to 451.598, inclusive, to make a health-care decision for the
12 prospective donor.

13 (b) The conflict must be resolved as expeditiously as
14 practicable.

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

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

25 **Sec. 26.** NRS 449.6922 is hereby repealed.

26 **Sec. 27.** This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

449.6922 "Incompetent" defined. "Incompetent" has the
meaning ascribed to it in NRS 159.019.

