

**Department of Legislative Services**

Maryland General Assembly

2007 Session

**FISCAL AND POLICY NOTE**

House Bill 682

(Delegate Morhaim)

Health and Government Operations

Finance

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**Health Care Decisions Act - Emergency Medical Services "Do Not Resuscitate Orders" - Health Care Providers**

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This bill authorizes a health care provider, other than certified or licensed emergency medical services (EMS) personnel, who sees, in a valid form, an EMS “do not resuscitate order” (DNR order) that is not superseded by a subsequent physician’s order, to provide, withhold, or withdraw treatment in accordance with the order before a patient’s cardiac or respiratory arrest. The bill requires that health care providers withhold or withdraw treatment in accordance with the order after a patient’s cardiac or respiratory arrest.

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**Fiscal Summary**

**State Effect:** None. The bill would not materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** An EMS DNR order is a physician’s written order that instructs EMS personnel on interventions before cardiac or respiratory arrest and, in the event of a patient’s cardiac or respiratory arrest, authorizes certified or licensed EMS personnel to withhold or withdraw cardiopulmonary resuscitation, endotracheal intubation, other advanced airway management techniques, artificial ventilation, defibrillation, and other related life-sustaining procedures.

EMS personnel are required to follow a valid EMS DNR order, while other health care providers are permitted, but not required, to follow the order. EMS DNR orders may not authorize withholding medical interventions or therapies necessary to provide comfort or alleviate pain.

A health care provider is not subject to criminal prosecution or civil liability or deemed to have engaged in unprofessional conduct for withholding or withdrawing any health care under the Health Care Decisions Act.

**Background:** A physician's order for an EMS DNR order is honored by EMS personnel. Hospitals also have their own DNR orders, which are typically included in a patient's chart. When an individual with an EMS DNR order is initially transferred to the care of emergency room personnel, the hospital DNR order is not yet in place. Therefore, it may be unclear what hospital providers should do for the individual during the transition from EMS to hospital care.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Maryland Institute for Emergency Medical Services Systems, Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2007  
ncs/jr

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