

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 1834

"AN ACT TO ENSURE THAT NUTRITION AND HYDRATION ARE PROVIDED TO ALL
ARKANSANS AT THE END OF LIFE."

Amendment No. 1 to House Bill No. 1834.

Amend House Bill No. 1834 as engrossed, H3/13/03:

Add Representative Bright as a cosponsor of the bill

Delete SECTION 1 in its entirety

AND

Page 2, line 30 delete "SECTION 2." and substitute "SECTION 1."

AND

Page 3, delete line 31 and substitute the following
"(16) The right to direct whether to receive nutrition or
hydration."

AND

Delete SECTION 3 in its entirety

AND

Page 4, line 11, delete "SECTION 4." and substitute "SECTION 2."

AND

Delete SECTION 5 in its entirety

AND

Page 7, line 5, delete "SECTION 6." and substitute "SECTION 3."

AND



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Page 7, line 7, delete "(1)"

AND

Page 7, delete lines 9 through 14

AND

Page 7, delete lines 28 through 32 and substitute the following:

"It is my specific directive that nutrition may be withheld after consultation with my attending physician.

It is my specific directive that hydration may be withheld after consultation with my attending physician.

It is my specific directive that nutrition may not be withheld.

It is my specific directive that hydration may not be withheld.."

AND

Page 8, line 35 delete "(1)"

AND

Page 9, delete lines 1 through 6

AND

Page 9, delete lines 19 through 23 and substitute the following:

"It is my specific directive that nutrition may be withheld after consultation with my attending physician.

It is my specific directive that hydration may be withheld after consultation with my attending physician.

It is my specific directive that nutrition may not be withheld.

It is my specific directive that hydration may not be withheld.."

AND

Page 10, delete line 26 and substitute the following:

"SECTION 4. Arkansas Code § 20-17-202, concerning declarations relating to use of life-sustaining treatment, is amended to add an additional section to read as follows:

(f) A declaration executed by a qualified individual shall be clear and convincing evidence of his or her wishes, but clear and convincing evidence of an individual's wishes is not limited to the declarations under this section.

SECTION 5. Arkansas Code § 20-17-204(a), concerning revocation of"

AND

Page 10, delete lines 34 and 35 and substitute the following:

"(2) The wishes of a patient who requests nutrition, hydration,

or both shall be honored."

AND

Page 11, line 5 delete "(1)"

AND

Page 11, line 7 delete "comfort, care," and substitute "comfort,~~care,~~"

AND

Page 11, delete lines 9 through 11

AND

Page 11 delete line 35 and 36 and page 12, delete line 1

AND

Page 12, line 2, delete "(c)" and substitute "(b)"

AND

Page 12, line 2 delete "If" and substitute "Even if"

AND

Page 12, line 3 delete "a" at the end of the line

AND

Page 12, delete lines 4 and 5 and substitute the following:

"if the terminally ill patient requests nutrition or hydration, his or her wishes shall be honored."

AND

Page 12, line 7 add the following new SECTIONS:

"SECTION 6. Legislative purpose.

(a)(1) The General Assembly recognizes that residents of long-term care facilities are among the most vulnerable of the state's citizens.

(2) Further, the disproportionate number of these residents who are Medicaid eligible, and who have little or no close family involvement in their lives, heightens their vulnerability.

(b) It is the intent of the General Assembly that, to ensure proper care and treatment of these individuals, particularly at end-of-life, the circumstances and conditions under which the withholding of nutrition, hydration, or both, may occur, be clarified.

SECTION 7. Title 20, Subtitle 2, Chapter 10, Subchapter 10 is amended to add and additional section to read as follows:

20-10-1010. End-of-life treatment of long-term care residents.

(a) For residents suffering from a terminal condition, as defined in § 20-17-201, facilities may withhold nutrition, hydration, or both only pursuant to:

(1) The directive, or with the consent, of the resident;

(2) A validly executed declaration, as defined in Section 20-17-201; or

(3) The instructions of a person authorized to execute a written request for another under § 20-17-214 if:

(A) The resident did not execute a declaration; and

(B) In the opinion of the attending physician, the resident is no longer able to make health care decisions for himself or herself; or

(4) The directions of an attorney-in-fact appointed under a validly executed durable power of attorney for health care, as defined in § 20-13-104.

(b) For residents who are permanently unconscious, as defined in § 20-17-201, facilities may withhold nutrition, hydration, or both only pursuant to:

(1) A validly executed declaration, as defined in Section 20-17-201; or

(2) The instructions of a person authorized to execute a written request for another pursuant to § 20-17-214 if:

(A) The resident did not execute a declaration; and

(B) In the opinion of the attending physician, the resident is no longer to make health care decisions for himself or herself; or

(3) The directions of an attorney-in-fact appointed under a validly executed durable power of attorney for health care, as defined in § 20-13-104.

(c) Notwithstanding subsections (a) and (b) of this section, the wishes of a resident who requests nutrition, hydration, or both, shall be honored.

(d) The attending physician or other health care provider may not substitute his or her judgment relating to nutrition or hydration and make a decision that is contrary to the known wishes of the resident."

The Amendment was read _____

By: Representative Penix

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Chief Clerk