

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 718 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/16/09

A Bill

HOUSE BILL 2212

5 By: Representative Shelby
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8 **For An Act To Be Entitled**

9 AN ACT TO CLARIFY WHEN EMPLOYEES OF NURSING
10 FACILITIES ARE NOT REQUIRED TO INITIATE
11 CARDIOPULMONARY RESUSCITATION FOR UNWITNESSED
12 DEATHS; AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 TO CLARIFY WHEN EMPLOYEES OF NURSING
16 FACILITIES ARE NOT REQUIRED TO INITIATE
17 CARDIOPULMONARY RESUSCITATION FOR
18 UNWITNESSED DEATHS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Title 20, Subtitle 2, Chapter 17, Subchapter 1 is amended*
24 *to add a new section to read as follow:*

25 *20-17-104. Withholding cardiopulmonary resuscitation in nursing*
26 *facilities for unwitnessed deaths.*

27 *(a) As used in this section:*

28 *(1) "Dependent lividity" means clear demarcation of pooled blood*
29 *within the body;*

30 *(2) "Nursing facility" means the same as long-term care facility*
31 *as defined in § 20-10-101; and*

32 *(3) "Rigor" means that major joints such as the jaw, shoulders,*
33 *elbows, hips, or knees are immovable.*

34 *(b) Licensed nurses employed by nursing facilities may withhold*
35 *cardiopulmonary resuscitation from residents of the facility, regardless of*



1 the presence or absence of a Do Not Resuscitate order when:

2 (1) The death of the resident was unwitnessed; and

3 (2) The body evidences clear and unmistakable dependent
4 lividity; or

5 (3) The body evidences clear and unmistakable rigor.

6 (c) In cases of unwitnessed deaths under subsection (b) of this
7 section, the following conditions also must be present:

8 (1) Respirations are absent for at least thirty (30) seconds;

9 (2) Carotid pulse is absent for at least thirty (30) seconds;

10 (3) Lung sounds auscultated by stethoscope bilaterally are
11 absent for at least thirty (30) seconds; and

12 (4) Both pupils, if accessible, are nonreactive to light.

13 (d) The nursing facility shall document the presence of the above-
14 listed conditions in the resident's records.

15 (e)(1) Nursing facilities and licensed nurses of nursing facilities
16 who withhold cardiopulmonary resuscitation under this section are not liable
17 for administrative sanctions, civil damages, or subject to criminal
18 prosecution for their actions or the actions of others based on the
19 withholding of cardiopulmonary resuscitation.

20 (2) A person who acts in good faith reliance of a nursing
21 facility's or nursing facility employee's withholding cardiopulmonary
22 resuscitation under this section is not liable for administrative sanctions,
23 civil damages, or subject to criminal prosecution for the person's actions.

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26 /s/ Shelby

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28 **APPROVED: 3/31/2009**