

# Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

## Amendment Form

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### Subtitle of House Bill No. 2212

"TO CLARIFY WHEN EMPLOYEES OF NURSING FACILITIES ARE NOT REQUIRED TO INITIATE CARDIOPULMONARY RESUSCITATION FOR UNWITNESSED DEATHS."

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### Amendment No. 2 to House Bill No. 2212.

Amend House Bill No. 2212 as originally introduced:

Remove Senator D. Johnson as cosponsor of the bill

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Title 20, Subtitle 2, Chapter 17, Subchapter 1 is amended to add a new section to read as follow:

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

(a) As used in this section:

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

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

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

(b) Licensed nurses employed by nursing facilities may withhold cardiopulmonary resuscitation from residents of the facility, regardless of the presence or absence of a Do Not Resuscitate order when:

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

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

(3) The body evidences clear and unmistakable rigor.

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

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

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

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

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

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



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

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

The Amendment was read \_\_\_\_\_  
By: Representative Shelby  
MAG/CDS - 03-13-2009 08:02  
MAG267 \_\_\_\_\_ Chief Clerk