

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

SENATE BILL 969

4
5 By: Senator Brown
6
7

For An Act To Be Entitled

8
9 AN ACT TO ASSURE THAT THE ELDERLY AND INFIRM ARE
10 NOT DENIED NUTRITION AND HYDRATION; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14
15 AN ACT TO ASSURE THAT THE ELDERLY AND
16 INFIRM ARE NOT DENIED NUTRITION AND
17 HYDRATION.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code 20-17-201 (4) is amended to read as follows:
23 20-17-201. Definitions.

24 As used in this subchapter, unless the context otherwise requires:

25 (1) "Attending physician" means the physician who has primary
26 responsibility for the treatment and care of the patient;

27 (2) "Declaration" means a writing executed in accordance with the
28 requirements of § 20-17-202(a);

29 (3) "Health care proxy" is a person eighteen (18) years old or older
30 appointed by the patient as attorney-in-fact to make health care decisions
31 including the withholding or withdrawal of life-sustaining treatment if a
32 qualified patient, in the opinion of the attending physician, is permanently
33 unconscious, incompetent, or otherwise mentally or physically incapable of
34 communication;

35 (4) "Health care provider" means a person who is licensed, certified,
36 or otherwise authorized by the law of this state to administer health care in

1 the ordinary course of business or practice of a profession;

2 (5)(A) "Life-sustaining treatment" means any medical procedure or
3 intervention that, when administered to a qualified patient, will serve only
4 to prolong the process of dying or to maintain the patient in a condition of
5 permanent unconsciousness;.

6 (B) With the exception of use of a "feeding tube" this term does
7 not include nutrition and hydration;

8 (6) "Permanently unconscious" means a lasting condition, indefinitely
9 without change in which thought, feeling, sensations, and awareness of self
10 and environment are absent;

11 (7) "Person" means an individual, corporation, business trust, estate,
12 trust, partnership, association, joint venture, government, governmental
13 subdivision or agency, or any other legal or commercial entity;

14 (8) "Physician" means an individual licensed to practice medicine in
15 this state;

16 (9) "Qualified patient" means a patient eighteen (18) or more years of
17 age who has executed a declaration or appointed a health care proxy and who
18 has been determined to be in a terminal condition or in a permanently
19 unconscious state by the attending physician and another qualified physician
20 who has examined the patient;

21 (10) "State" means a state, territory, or possession of the United
22 States, the District of Columbia, or the Commonwealth of Puerto Rico; and

23 (11) "Terminal condition" means an incurable and irreversible
24 condition that, without the administration of life-sustaining treatment,
25 will, in the opinion of the attending physician, result in death within a
26 relatively short time.

27
28
29
30
31
32
33
34
35
36