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	As Engrossed: H3/16/09		
2	87th General Assembly	A Bill		
3	Regular Session, 2009		HOUSE BILL	2212
4				
5	By: Representative Shelby			
6				
7				
8		For An Act To Be Entitled		
9	AN ACT	TO CLARIFY WHEN EMPLOYEES OF NURSING		
10	FACILIT	TIES ARE NOT REQUIRED TO INITIATE		
11	CARDIO	PULMONARY RESUSCITATION FOR UNWITNESSED	i	
12	DEATHS;	; AND FOR OTHER PURPOSES.		
13				
14		Subtitle		
15	TO C	CLARIFY WHEN EMPLOYEES OF NURSING		
16	FACI	ILITIES ARE NOT REQUIRED TO INITIATE		
17	CARI	DIOPULMONARY RESUSCITATION FOR		
18	UNWI	ITNESSED DEATHS.		
19				
20				
21	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKAN	SAS:	
22				
23	SECTION 1. Tit	le 20, Subtitle 2, Chapter 17, Subchap	ter l is amend	led
24	to add a new section	to read as follow:		
25	<u>20-17-104.</u> Wit	hholding cardiopulmonary resuscitation	in nursing	
26	facilities for unwith	essed deaths.		
27	(a) As used in	this section:		
28	<u>(1) "Dep</u>	endent lividity" means clear demarcati	on of pooled b	lood
29	within the body;			
30	<u>(2) "Nur</u>	sing facility" means the same as long-	term care faci	<u>lity</u>
31	as defined in § 20-10	0-101; and		
32	<u>(3) "Rig</u>	or" means that major joints such as th	e jaw, shoulde	ers,
33	elbows, hips, or knee	es are immovable.		
34	(b) Licensed n	nurses employed by nursing facilities m	ay withhold	
35	cardiopulmonary resus	citation from residents of the facilit	y, regardless	of
36	the presence or absen	ce of a Do Not Resuscitate order when:		

1	(1) The death of the resident was unwitnessed; and		
2	(2) The body evidences clear and unmistakable dependent		
3	<u>lividity; or</u>		
4	(3) The body evidences clear and unmistakable rigor.		
5	(c) In cases of unwitnessed deaths under subsection (b) of this		
6	section, the following conditions also must be present:		
7	(1) Respirations are absent for at least thirty (30) seconds;		
8	(2) Carotid pulse is absent for at least thirty (30) seconds;		
9	(3) Lung sounds auscultated by stethoscope bilaterally are		
10	absent for at least thirty (30) seconds; and		
11	(4) Both pupils, if accessible, are nonreactive to light.		
12	(d) The nursing facility shall document the presence of the above-		
13	listed conditions in the resident's records.		
14	(e)(l) Nursing facilities and licensed nurses of nursing facilities		
15	who withhold cardiopulmonary resuscitation under this section are not liable		
16	for administrative sanctions, civil damages, or subject to criminal		
17	prosecution for their actions or the actions of others based on the		
18	withholding of cardiopulmonary resuscitation.		
19	(2) A person who acts in good faith reliance of a nursing		
20	facility's or nursing facility employee's withholding cardiopulmonary		
21	resuscitation under this section is not liable for administrative sanctions,		
22	civil damages, or subject to criminal prosecution for the person's actions.		
23			
24			
25	/s/ Shelby		
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			