

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 163

Short Title: Require Parental Notification for DNR Orders. (Public)

Sponsors: Senators Krawiec, Daniel, and Hise (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 28, 2019

A BILL TO BE ENTITLED

AN ACT REQUIRING PARENTAL NOTIFICATION AND AGREEMENT PRIOR TO  
ISSUING AN ORDER TO WITHHOLD CARDIOPULMONARY RESUSCITATION  
AND OTHER LIFE-PROLONGING MEASURES FROM PATIENTS WHO ARE  
UNEMANCIPATED MINORS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 90-21.17(b) reads as rewritten:

"(b) A physician may issue a portable DNR order or MOST for a ~~patient~~patient with consent obtained by one of the following methods, as applicable:

- (1) With the consent of the ~~patient~~patient.
- (2) If the patient is a minor, with the consent of the patient's parent or ~~guardian~~or legal guardian and in accordance with G.S. 90-217A.
- (3) If the patient is not a minor but is incapable of making an informed decision regarding consent for the order, with the consent of the patient's representative.

...."

**SECTION 2.** Article 1B of Chapter 90 of the General Statutes is amended by adding a new section to read:

**§ 90-21.17A. Requirements for issuing do not resuscitate orders for unemancipated minors.**

(a) If a physician determines that a patient who is an unemancipated minor has a condition described in G.S. 90-321(c)(1), the physician shall not issue an order to withhold cardiopulmonary resuscitation or other life-prolonging measures, unless the physician has done all of the following:

- (1) Informed at least one of the patient's parents or legal guardians of the intent to issue a do not resuscitate ("DNR") order. The physician shall provide the information required by this subdivision orally and in writing, unless, based on the physician's professional medical judgment, the urgency of the patient's condition requires reliance on only oral information.
- (2) Made a reasonable attempt to inform the patient's other parent, if that parent's contact information is available or discernible, and if that parent has custodial or visitation rights.

(b) The physician shall ensure that all communications made or attempted in accordance with subsection (a) of this section are contemporaneously documented in the patient's medical record and that the record includes a listing of all participants in the communication, the date and time the communications or attempted communications occurred, and whether the information



1 was provided orally or in written form. The physician shall place copies of any written  
2 information provided to the patient, or to the parents or legal guardians of the patient, pursuant  
3 to this section in the patient's medical record.

4 (c) Any parent or legal guardian of the patient may object, orally or in writing, to the  
5 issuance of a DNR order. The physician shall ensure that the oral or written objection of a parent  
6 or legal guardian is contemporaneously documented in the patient's medical record. A physician  
7 is prohibited from issuing a DNR order until the parent or legal guardian expressing the objection  
8 withdraws the objection, or until a court permits issuance of the DNR order.

9 (d) If the patient's parents or legal guardians are unable to agree on the issuance of a DNR  
10 order, either parent or legal guardian may petition the district court of the county in which that  
11 parent or legal guardian resides, or in which the patient is receiving treatment, for an order  
12 enjoining a violation or a threatened violation of this section, or to resolve conflict between the  
13 parents with respect to issuance of a DNR order for their unemancipated minor. Pending a final  
14 determination by the court, including any appeals, a physician is prohibited from issuing a DNR  
15 order in any case in which the patient's parents or legal guardians are unable to agree on the  
16 issuance of a DNR order."

17 **SECTION 3.** This act becomes effective October 1, 2019.