

**ASSEMBLY BILL**

**No. 3000**

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**Introduced by Assembly Member Wolk**

February 22, 2008

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An act to amend Sections 4780, 4782, 4783, 4784, and 4785 of, and to amend the heading of Part 4 (commencing with Section 4780) of Division 4.7 of, the Probate Code, relating to health care decisions.

LEGISLATIVE COUNSEL'S DIGEST

AB 3000, as introduced, Wolk. Health care decisions: life sustaining treatment.

Existing law defines a “request to forgo resuscitative measures” as a written document, signed by an individual, or a legally recognized surrogate health care decisionmaker, and a physician, that directs a health care provider to forgo resuscitative measures for the individual. Existing law provides that a health care provider who honors a request to forgo resuscitative measures is not subject to criminal prosecution, civil liability, discipline for unprofessional conduct, administrative sanction, or any other sanction, as a result of his or her reliance on the request, provided that he or she meets certain requirements.

This bill would redefine a request to forgo resuscitative measures as a “request regarding resuscitative measures,” which would be a written document, signed by an individual, or a legally recognized surrogate health care decisionmaker, and a physician, that addresses the individual’s preferences regarding life-sustaining treatment. The bill would include within this definition a Physician Order for Life Sustaining Treatment form. The bill would require a health care provider treating an individual with a Physician Order for Life Sustaining Treatment, as specified, to follow its orders. The bill would require the

health care provider to honor the order even if a physician who executed the order does not have admitting privileges at a hospital or health care facility where the patient is being treated. The bill would also make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The heading of Part 4 (commencing with Section  
2 4780) of Division 4.7 of the Probate Code is amended to read:

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4 PART 4. ~~REQUEST TO FORGO~~ *REGARDING*  
5 RESUSCITATIVE MEASURES

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7 SEC. 2. Section 4780 of the Probate Code is amended to read:  
8 4780. (a) As used in this part:

9 (1) ~~“Request to forgo regarding resuscitative measures”~~ means  
10 a written document, signed by (A) an individual, or a legally  
11 recognized surrogate health care decisionmaker, and (B) a  
12 physician, that ~~directs a health care provider to forgo resuscitative~~  
13 ~~measures for the individual~~ *addresses the individual’s preferences*  
14 *regarding life-sustaining treatment.*

15 (2) ~~“Request to forgo regarding resuscitative measures”~~ includes  
16 a prehospital “do not resuscitate” form as developed by the  
17 Emergency Medical Services Authority, *a Physician Order for*  
18 *Life Sustaining Treatment form*, or other substantially similar form.

19 (b) A request ~~to forgo regarding resuscitative measures~~ may  
20 also be evidenced by a medallion engraved with the words “do not  
21 resuscitate” or the letters “DNR,” a patient identification number,  
22 and a 24-hour toll-free telephone number, issued by a person  
23 pursuant to an agreement with the Emergency Medical Services  
24 Authority.

25 SEC. 3. Section 4782 of the Probate Code is amended to read:

26 4782. (a) A health care provider who honors a request ~~to forgo~~  
27 *regarding resuscitative measures* is not subject to criminal  
28 prosecution, civil liability, discipline for unprofessional conduct,  
29 administrative sanction, or any other sanction, as a result of his or  
30 her reliance on the request, if the health care provider ~~(a)~~ (1)  
31 believes in good faith that the action or decision is consistent with

1 this part, and ~~(b)~~ (2) has no knowledge that the action or decision  
2 would be inconsistent with a health care decision that the individual  
3 signing the request would have made on his or her own behalf  
4 under like circumstances.

5 *(b) Any health care provider treating an individual with a*  
6 *Physician Order for Life Sustaining Treatment shall follow its*  
7 *orders if the conditions of subdivision (a) have been met. The*  
8 *health care provider shall honor the order even if a physician who*  
9 *executed the order does not have admitting privileges at a hospital*  
10 *or health care facility where the patient is being treated.*

11 SEC. 4. Section 4783 of the Probate Code is amended to read:

12 4783. (a) Forms for requests ~~to forgo~~ *regarding* resuscitative  
13 measures printed after January 1, 1995, shall contain the following:  
14 “By signing this form, the surrogate acknowledges that this request  
15 ~~to forgo~~ *regarding* resuscitative measures is consistent with the  
16 known desires of, and with the best interest of, the individual who  
17 is the subject of the form.”

18 (b) A substantially similar printed form is valid and enforceable  
19 if all of the following conditions are met:

20 (1) The form is signed by the individual, or the individual’s  
21 legally recognized surrogate health care decisionmaker, and a  
22 physician.

23 (2) The form directs health care providers ~~to forgo~~ *regarding*  
24 resuscitative measures.

25 (3) The form contains all other information required by this  
26 section.

27 SEC. 5. Section 4784 of the Probate Code is amended to read:

28 4784. In the absence of knowledge to the contrary, a health  
29 care provider may presume that a request ~~to forgo~~ *regarding*  
30 resuscitative measures is valid and unrevoked.

31 SEC. 6. Section 4785 of the Probate Code is amended to read:

32 4785. This part applies regardless of whether the individual  
33 executing a request ~~to forgo~~ *regarding* resuscitative measures is  
34 within or outside a hospital or other health care institution.