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Representatives Terwilleger, Corbin, Garcia, Pringle, Thomas, Vesper,
Taylor, Brading, Olman, Schuring, Van Vyven, Lewis, Reid, Sawyer, Bender,
Opfer, Prentiss, Verich, Colonna, Mead, Miller, O'Brien, Ogg, Schuler, Wilson,
Damschroder, Lawrence, Tavares, Grendell, Perz
Senators Drake, Kearns, Ray

A B I L L

To amend sections 1337.12, 2133.01, 2133.02, 2133.03, 1
2133.07, 2133.10, 2133.12, 2133.13, 2133.14, 2
2133.15, 3721.17, 4506.07, 4507.06, and 4507.51 3
and to enact sections 2133.21, 2133.211, and 4
2133.22 to 2133.26 of the Revised Code and to 5
amend Section 3 of Am. Sub. S.B. 1 of the 119th 6
General Assembly relative to "do not resuscitate" 7
identifications, orders, and protocols and the 8
award of punitive damages for violation of the 9
rights of a nursing home resident. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1337.12, 2133.01, 2133.02, 2133.03, 11
2133.07, 2133.10, 2133.12, 2133.13, 2133.14, 2133.15, 3721.17, 12
4506.07, 4507.06, and 4507.51 be amended and sections 2133.21, 13
2133.211, 2133.22, 2133.23, 2133.24, 2133.25, and 2133.26 of the 14
Revised Code be enacted to read as follows: 15

Sec. 1337.12. (A)(1) An adult who is of sound mind 16

voluntarily may create a valid durable power of attorney for 17
health care by executing a durable power of attorney, in 18
accordance with division (B) of section 1337.09 of the Revised 19
Code, that authorizes an attorney in fact as described in division 20
(A)(2) of this section to make health care decisions for the 21
principal at any time that the attending physician of the 22
principal determines that ~~he~~ the principal has lost the capacity 23
to make informed health care decisions for ~~himself~~ the principal. 24
Except as otherwise provided in divisions (B) to (F) of section 25
1337.13 of the Revised Code, the authorization may include the 26
right to give informed consent, to refuse to give informed 27
consent, or to withdraw informed consent, to any health care that 28
is being or could be provided to the principal. Additionally, to 29
be valid, a durable power of attorney for health care shall 30
satisfy both of the following: 31

 (a) It shall be signed by the principal and state the date of 32
 its execution. 33

 (b) It shall be witnessed in accordance with division (B) of 34
 this section or be acknowledged by the principal in accordance 35
 with division (C) of this section. 36

 (2) Except as otherwise provided in this division, a durable 37
 power of attorney for health care may designate any competent 38
 adult as the attorney in fact. The attending physician of the 39
 principal and an administrator of any nursing home in which the 40
 principal is receiving care shall not be designated as an attorney 41
 in fact in, or act as an attorney in fact pursuant to, a durable 42
 power of attorney for health care. An employee or agent of the 43
 attending physician of the principal and an employee or agent of 44
 any health care facility in which the principal is being treated 45
 shall not be designated as an attorney in fact in, or act as an 46
 attorney in fact pursuant to, a durable power of attorney for 47

health care, except that these limitations do not preclude a 48
principal from designating either type of employee or agent as ~~his~~ 49
the principal's attorney in fact if the individual is a competent 50
adult and related to the principal by blood, marriage, or 51
adoption, or if the individual is a competent adult and the 52
principal and the individual are members of the same religious 53
order. 54

(3) A durable power of attorney for health care shall not 55
expire, unless the principal specifies an expiration date in the 56
instrument. However, when a durable power of attorney contains an 57
expiration date, if the principal lacks the capacity to make 58
informed health care decisions for ~~himself~~ the principal on the 59
expiration date, the instrument shall continue in effect until the 60
principal regains the capacity to make informed health care 61
decisions for ~~himself~~ the principal. 62

(B) If witnessed for purposes of division (A)(1)(b) of this 63
section, a durable power of attorney for health care shall be 64
witnessed by at least two individuals who are adults and who are 65
not ineligible to be witnesses under this division. Any person who 66
is related to the principal by blood, marriage, or adoption, any 67
person who is designated as the attorney in fact in the 68
instrument, the attending physician of the principal, and the 69
administrator of any nursing home in which the principal is 70
receiving care are ineligible to be witnesses. 71

The witnessing of a durable power of attorney for health care 72
shall involve the principal signing, or acknowledging ~~his~~ the 73
principal's signature on, the instrument in the presence of each 74
witness. Then, each witness shall subscribe ~~his~~ the witness's 75
signature on the durable power of attorney for health care and, by 76
doing so, attest to ~~his~~ the witness's belief that the principal 77
appears to be of sound mind and not under or subject to duress, 78
fraud, or undue influence. 79

(C) If acknowledged for purposes of division (A)(1)(b) of this section, a durable power of attorney for health care shall be acknowledged before a notary public, who shall make the certification described in section 147.53 of the Revised Code and also shall attest that the principal appears to be of sound mind and not under or subject to duress, fraud, or undue influence.	80 81 82 83 84 85
<u>(D)(1) If a principal has both a valid durable power of attorney for health care and a valid declaration, division (B) of section 2133.03 of the Revised Code applies. If a principal has both a valid durable power of attorney for health care and a DNR identification that is based upon a valid declaration and if the declaration supersedes the durable power of attorney for health care under division (B) of SECTION 2133.03 of the Revised Code, the DNR IDENTIFICATION supersedes the durable power of attorney for health care to the extent of any conflict between the two. A valid durable power of attorney for health care supersedes any DNR IDENTIFICATION that is based upon a do-not-resuscitate order that a physician issued for the principal WHICH IS INCONSISTENT WITH THE DURABLE POWER OF ATTORNEY FOR HEALTH CARE OR A VALID DECISION BY THE ATTORNEY IN FACT UNDER A DURABLE POWER OF ATTORNEY.</u>	86 87 88 89 90 91 92 93 94 95 96 97 98 99
(2) <u>As used in division (D) of this section:</u>	100
(a) <u>"Declaration" has the same meaning as in section 2133.01 of the Revised Code.</u>	101 102
(b) <u>"Do-not-resuscitate order" and "DNR identification" have the same meanings as in section 2133.21 of the Revised Code.</u>	103 104
Sec. 2133.01. Unless the context otherwise requires, as used in this chapter <u>sections 2133.01 to 2133.15 of the Revised Code:</u>	105 106
(A) "Adult" means an individual who is eighteen years of age or older.	107 108
(B) "Attending physician" means the physician to whom a	109

declarant or other patient, or the family of a declarant or other patient, has assigned primary responsibility for the treatment or care of the declarant or other patient, or, if the responsibility has not been assigned, the physician who has accepted that responsibility.	110 111 112 113 114
(C) "Comfort care" means any of the following:	115
(1) Nutrition when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone <u>the declarant's or other patient's death</u> ;	116 117 118
(2) Hydration when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone <u>the declarant's or other patient's death</u> ;	119 120 121
(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a declarant or other patient, but not to postpone <u>the declarant's or other patient's death</u> .	122 123 124 125
(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a declarant or other patient, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of this chapter, to a reasonable degree of medical certainty and in accordance with reasonable medical standards.	126 127 128 129 130 131 132
(E) "Declarant" means any adult who has executed a declaration in accordance with section 2133.02 of the Revised Code.	133 134 135
(F) "Declaration" means a written document executed in accordance with section 2133.02 of the Revised Code.	136 137
(G) "Durable power of attorney for health care" means a document created pursuant to sections 1337.11 to 1337.17 of the	138 139

Revised Code.	140
(H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.	141 142 143
(I) "Health care facility" means any of the following:	144
(1) A hospital;	145
(2) A hospice care program or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	146 147 148
(3) A nursing home <u>or residential care facility, as defined in section 3721.01 Of the Revised Code;</u>	149 150
(4) A home health agency <u>and any residential facility where a person is receiving care under the direction of a home health agency;</u>	151 152 153
(5) An intermediate care facility for the mentally retarded.	154
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	155 156 157 158 159 160
(K) "Home health agency" has the same meaning as in section 3701.88 of the Revised Code.	161 162
(L) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.	163 164
(M) "Hospital" has the same meanings as in sections 2108.01, 3701.01, and 5122.01 of the Revised Code.	165 166
(N) "Hydration" means fluids that are artificially or technologically administered.	167 168

(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	169 170
(P) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.	171 172
(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a qualified patient or other patient, will serve principally to prolong the process of dying.	173 174 175 176
(R) "Nurse" means a person who is licensed to practice nursing as a registered nurse or to practice practical nursing as a licensed practical nurse pursuant to Chapter 4723. of the Revised Code.	177 178 179 180
(S) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.	181 182
(T) "Nutrition" means sustenance that is artificially or technologically administered.	183 184
(U) "Permanently unconscious state" means a state of permanent unconsciousness in a declarant or other patient that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, is characterized by both of the following:	185 186 187 188 189 190 191
(1) Irreversible unawareness of one's being and environment.	192
(2) Total loss of cerebral cortical functioning, resulting in the declarant or other patient having no capacity to experience pain or suffering.	193 194 195
(V) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments,	196 197 198

institutions, offices, and other instrumentalities.	199
(W) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	200 201 202
(X) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.	203 204
(Y) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing.	205 206 207 208
(Z) "Qualified patient" means an adult who has executed a declaration and has been determined to be in a terminal condition or in a permanently unconscious state.	209 210 211
(AA) "Terminal condition" means an irreversible, incurable, and untreatable condition caused by disease, illness, or injury from which, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by a declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, both of the following apply:	212 213 214 215 216 217 218
(1) There can be no recovery.	219
(2) Death is likely to occur within a relatively short time if life-sustaining treatment is not administered.	220 221
(BB) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for breach of a contract or another agreement between persons.	222 223 224 225
Sec. 2133.02. (A)(1) An adult who is of sound mind voluntarily may execute at any time a declaration governing the	226 227

use or continuation, or the withholding or withdrawal, of 228
life-sustaining treatment. The declaration shall be signed by the 229
declarant or by another individual at the direction of the 230
declarant, state the date of its execution, and either be 231
witnessed as described in division (B)(1) of this section or be 232
acknowledged by the declarant in accordance with division (B)(2) 233
of this section. The declaration may include a designation by the 234
declarant of one or more persons who are to be notified by the 235
declarant's attending physician at any time that life-sustaining 236
treatment would be withheld or withdrawn pursuant to the 237
declaration. The declaration may include a specific authorization 238
for the use or continuation or the withholding or withdrawal of 239
CPR, but the failure to include a specific authorization for the 240
withholding or withdrawal of CPR does not preclude the withholding 241
or withdrawal of CPR in accordance with sections 2133.01 to 242
2133.15 or sections 2133.21 to 2133.26 of the Revised Code. 243

(2) Depending upon whether the declarant intends ~~his~~ THE 244
declaration to apply when ~~he~~ the declarant is in a terminal 245
condition, in a permanently unconscious state, or in either a 246
terminal condition or a permanently unconscious state, ~~his~~ the 247
declarant's declaration shall use either or both of the terms 248
"terminal condition" and "permanently unconscious state" and 249
shall define or otherwise explain those terms in capital letters 250
and in a manner that is substantially consistent with the 251
provisions of section 2133.01 of the Revised Code. 252

(3)(a) If a declarant who has authorized the withholding or 253
withdrawal of life-sustaining treatment intends that ~~his~~ the 254
declarant's attending physician withhold or withdraw nutrition or 255
hydration when ~~he~~ the declarant is in a permanently unconscious 256
state and when the nutrition and hydration will not or no longer 257
will serve to provide comfort to ~~him~~ the declarant or alleviate 258
~~his~~ the declarant's pain, then the declarant shall authorize ~~his~~ 259

<u>the declarant's</u> attending physician to withhold or withdraw nutrition or hydration when <u>he</u> <u>the declarant</u> is in the permanently unconscious state by doing both of the following in the declaration:	260 261 262 263
(i) Including a statement in capital letters that <u>his</u> <u>the declarant's</u> attending physician may withhold or withdraw nutrition and hydration if <u>he</u> <u>the declarant</u> is in a permanently unconscious state and if <u>his</u> <u>the declarant's</u> attending physician and at least one other physician who has examined <u>him</u> <u>the declarant</u> determine, to a reasonable degree of medical certainty and in accordance with reasonable medical standards, that nutrition or hydration will not or no longer will serve to provide comfort to <u>him</u> <u>the declarant</u> or alleviate <u>his</u> <u>the declarant's</u> pain, or checking or otherwise marking a box or line that is adjacent to a similar statement on a printed form of a declaration;	264 265 266 267 268 269 270 271 272 273 274
(ii) Placing <u>his</u> <u>the declarant's</u> initials or signature underneath or adjacent to the statement, check, or other mark described in division (A)(3)(a)(i) of this section.	275 276 277
(b) Division (A)(3)(a) of this section does not apply, and shall not be construed as applying , to the extent that a declaration authorizes the withholding or withdrawal of life-sustaining treatment when a declarant is in a terminal condition. The provisions of division (E) of section 2133.12 of the Revised Code pertaining to comfort care shall apply to a declarant in a terminal condition.	278 279 280 281 282 283 284
(B)(1) If witnessed for purposes of division (A) of this section, a declaration shall be witnessed by two individuals as described in this division in whose presence the declarant, or another individual at the direction of the declarant, signed the declaration. The witnesses to a declaration shall be adults who are not related to the declarant by blood, marriage, or adoption, who are not the attending physician of the declarant, and who are	285 286 287 288 289 290 291

not the administrator of any nursing home in which the declarant	292
is receiving care. Each witness shall subscribe his <u>the witness'</u>	293
signature on the declaration and, by doing so, attest to his <u>the</u>	294
<u>witness'</u> belief that the declarant appears to be of sound mind and	295
not under or subject to duress, fraud, or undue influence.	296
(2) If acknowledged for purposes of division (A) of this	297
section, a declaration shall be acknowledged before a notary	298
public, who shall make the certification described in section	299
147.53 of the Revised Code and also shall attest that the	300
declarant appears to be of sound mind and not under or subject to	301
duress, fraud, or undue influence.	302
(C) An attending physician, or other health care personnel	303
acting under the direction of an attending physician, who is	304
furnished a copy of a declaration shall make it a part of the	305
declarant's medical record and, when section 2133.05 of the	306
Revised Code is applicable, also shall comply with that section.	307
(D)(1) Subject to division (D)(2) of this section, an	308
attending physician of a declarant or a health care facility in	309
which a declarant is confined may refuse to comply or allow	310
compliance with the declarant's declaration on the basis of a	311
matter of conscience or on another basis. An employee or agent of	312
an attending physician of a declarant or of a health care facility	313
in which a declarant is confined may refuse to comply with the	314
declarant's declaration on the basis of a matter of conscience.	315
(2) If an attending physician of a declarant or a health care	316
facility in which a declarant is confined is not willing or not	317
able to comply or allow compliance with the declarant's	318
declaration, the physician or facility promptly shall so advise	319
the declarant and comply with the provisions of section 2133.10 of	320
the Revised Code, or, if the declaration has become operative as	321
described in division (A) of section 2133.03 of the Revised Code,	322

shall comply with the provisions of section 2133.10 of the Revised Code.	323 324
<u>(E) As used in this section, "CPR" has the same meaning as in section 2133.21 of the Revised Code.</u>	325 326
Sec. 2133.03. (A)(1) A declaration becomes operative when it is communicated to the attending physician of the declarant, the attending physician and one other physician who examines the declarant determine that the declarant is in a terminal condition or in a permanently unconscious state, whichever is addressed in the declaration, the applicable requirements of divisions (A)(2) and (3) of this section are satisfied, and the attending physician determines that the declarant no longer is able to make informed decisions regarding the administration of life-sustaining treatment. When the declaration becomes operative, the attending physician and health care facilities shall act in accordance with its provisions or comply with the provisions of section 2133.10 of the Revised Code.	327 328 329 330 331 332 333 334 335 336 337 338 339
(2) In order for a declaration to become operative in connection with a declarant who is in a permanently unconscious state, the consulting physician associated with the determination that the declarant is in the permanently unconscious state shall be a physician who, by virtue of advanced education or training, of a practice limited to particular diseases, illnesses, injuries, therapies, or branches of medicine or surgery or osteopathic medicine and surgery, of certification as a specialist in a particular branch of medicine or surgery or osteopathic medicine and surgery, or of experience acquired in the practice of medicine or surgery or osteopathic medicine and surgery, is qualified to determine whether the declarant is in a permanently unconscious state.	340 341 342 343 344 345 346 347 348 349 350 351 352
(3) In order for a declaration to become operative in	353

connection with a declarant who is in a terminal condition or in a 354
permanently unconscious state, the attending physician of the 355
declarant shall determine, in good faith, to a reasonable degree 356
of medical certainty, and in accordance with reasonable medical 357
standards, that there is no reasonable possibility that the 358
declarant will regain the capacity to make informed decisions 359
regarding the administration of life-sustaining treatment. 360

(B)(1)(a) A declaration supersedes any general consent to 361
treatment form signed by or on behalf of the declarant prior to, 362
upon, or after ~~his~~ the declarant's admission to a health care 363
facility to the extent there is a conflict between the declaration 364
and the form, even if the form is signed after the execution of 365
the declaration. To the extent that the provisions of a 366
declaration and a general consent to treatment form do not 367
conflict, both documents shall govern the use or continuation, or 368
the withholding or withdrawal, of life-sustaining treatment and 369
other medical or nursing procedures, treatments, interventions, or 370
other measures in connection with the declarant. ~~This division~~ 371
division (B)(1)(a) of this section does not apply if a declaration 372
is revoked pursuant to section 2133.04 of the Revised Code after 373
the signing of a general consent to treatment form. 374

(b) A declaration supersedes a DNR identification, as defined 375
in section 2133.21 of the Revised Code, of the declarant that is 376
based upon a prior, inconsistent declaration of the declarant or 377
that is based upon a do-not-resuscitate order, as defined in 378
section 2133.21 of the Revised Code, that a physician has issued 379
for the declarant and that is inconsistent with the declaration. 380
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(2) If a declarant has both a valid durable power of attorney 382
for health care and a valid declaration, the declaration 383
supersedes the durable power of attorney for health care to the 384
extent that the provisions of the documents would conflict if the 385

declarant should be in a terminal condition or in a permanently unconscious state. ~~This division~~ Division (B)(2) of this section does not apply if the declarant revokes ~~his~~ the declaration pursuant to section 2133.04 of the Revised Code. 386
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Sec. 2133.07. A printed form of a declaration may be sold or otherwise distributed in this state for use by adults who are not advised by an attorney. By use of ~~such~~ a printed form of that nature, a declarant may authorize the use or continuation, or the withholding or withdrawal, of life-sustaining treatment should ~~he~~ the declarant be in a terminal condition, a permanently unconscious state, or either a terminal condition or a permanently unconscious state, may authorize the withholding or withdrawal of nutrition or hydration should ~~he~~ the declarant be in a permanently unconscious state as described in division (A)(3)(a) of section 2133.02 of the Revised Code, and may designate one or more persons who are to be notified by ~~his~~ the declarant's attending physician at any time that life-sustaining treatment would be withheld or withdrawn pursuant to the declaration. The printed form shall not be used as an instrument for granting any other type of authority or for making any other type of designation, except that the printed form may be used as a DNR identification if the declarant specifies on the form that the declarant wishes to use it as a DNR identification. 390
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As used in this section, "DNR identification" has the same meaning as in section 2133.21 of the Revised Code. 409
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Sec. 2133.10. (A) An attending physician who, or a health care facility in which a qualified patient or other patient is confined that, is not willing or IS not able to comply or allow compliance with a declaration of a qualified patient, with a consent given in accordance with section 2133.08 or 2133.09 of the 411
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Revised Code, with any probate court order issued pursuant to 416
section 2133.05, 2133.08, or 2133.09 of the Revised Code, or with 417
any other applicable provision of ~~this chapter~~ sections 2133.01 to 418
2133.15 Of the Revised Code shall not prevent or attempt to 419
prevent, or unreasonably delay or attempt to unreasonably delay, 420
the transfer of the qualified patient or other patient to the care 421
of a physician who, or a health care facility that, is willing and 422
able to so comply or allow compliance. 423

(B) If a declaration provides for the use or continuation of 424
life-sustaining treatment should its declarant subsequently be in 425
a terminal condition or in a permanently unconscious state, if a 426
consent decision of a priority individual or class of individuals 427
under section 2133.08 of the Revised Code is to use or continue 428
life-sustaining treatment in connection with a patient described 429
in that section, or if a probate court issues a reevaluation order 430
pursuant to section 2133.05 or 2133.08 of the Revised Code that is 431
intended to result in the use or continuation of life-sustaining 432
treatment in connection with a qualified patient or other patient, 433
then the attending physician of the qualified patient or other 434
patient who, or health care facility in which the qualified 435
patient or other patient is confined that, is not willing or is 436
not able to comply or allow compliance with the declaration, 437
consent decision, or reevaluation order shall use or continue the 438
life-sustaining treatment or cause it to be used or continued 439
until a transfer as described in division (A) of this section is 440
made. 441

Sec. 2133.12. (A) The death of a qualified patient or other 442
patient resulting from the withholding or withdrawal of 443
life-sustaining treatment in accordance with ~~this chapter~~ sections 444
2133.01 to 2133.15 Of the Revised Code does not constitute for any 445
purpose a suicide, aggravated murder, murder, or any other 446

homicide offense for any purpose .	447
(B)(1) The execution of a declaration shall not do either of the following:	448
(a) Affect the sale, procurement, issuance, or renewal of any policy of life insurance or annuity, notwithstanding any term of a policy or annuity to the contrary;	450
(b) Be deemed to modify or invalidate the terms of any policy of life insurance or annuity that is in effect on October 10, 1991.	453
(2) Notwithstanding any term of a policy of life insurance or annuity to the contrary, the withholding or withdrawal of life-sustaining treatment from an insured, qualified patient or other patient in accordance with this chapter sections 2133.01 to <u>2133.15 Of the Revised Code</u> shall not impair or invalidate any policy of life insurance or annuity.	456
(3) Notwithstanding any term of a policy or plan to the contrary, the use or continuation, or the withholding or withdrawal, of life-sustaining treatment from an insured, qualified patient or other patient in accordance with this chapter <u>sections 2133.01 to 2133.15 Of the Revised Code</u> shall not impair or invalidate any policy of health insurance or any health care benefit plan.	462
(4) No physician, health care facility, other health care provider, person authorized to engage in the business of insurance in this state under Title XXXIX of the Revised Code, health insuring corporation, other health care plan, legal entity that is self-insured and provides benefits to its employees or members, or other person shall require any individual to execute or refrain from executing a declaration, or shall require an individual to revoke or refrain from revoking a declaration, as a condition of	469

being insured or of receiving health care benefits or services.	477
(C)(1) This chapter does Sections 2133.01 to 2133.15 Of the Revised Code do not create any presumption concerning the intention of an individual who has revoked or has not executed a declaration with respect to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment if the individual should be in a terminal condition or in a permanently unconscious state at any time.	478 479 480 481 482 483 484
(2) This chapter does Sections 2133.01 to 2133.15 Of the Revised Code do not affect the right of a qualified patient or other patient to make informed decisions regarding the use or continuation, or the withholding or withdrawal, of life-sustaining treatment as long as the qualified patient or other patient is able to make those decisions.	485 486 487 488 489 490
(3) This chapter does Sections 2133.01 to 2133.15 Of the Revised Code do not require a physician, other health care personnel, or a health care facility to take action that is contrary to reasonable medical standards.	491 492 493 494
(4) This chapter Sections 2133.01 to 2133.15 Of the Revised Code and, if applicable, a declaration do not affect or limit the authority of a physician or a health care facility to provide or not to provide life-sustaining treatment to a person in accordance with reasonable medical standards applicable in an emergency situation.	495 496 497 498 499 500
(D) Nothing in this chapter sections 2133.01 to 2133.15 Of the Revised Code condones, authorizes, or approves of mercy killing, assisted suicide, or euthanasia.	501 502 503
(E)(1) This chapter does Sections 2133.01 to 2133.15 Of the Revised Code do not affect the responsibility of the attending physician of a qualified patient or other patient, or other health care personnel acting under the direction of the patient's	504 505 506 507

attending physician, to provide comfort care to the patient.	508
Nothing in this chapter sections 2133.01 to 2133.15 Of the Revised	509
<u>Code</u> precludes the attending physician of a qualified patient or	510
other patient who carries out the responsibility to provide	511
comfort care to the patient in good faith and while acting within	512
the scope of the attending physician's authority from prescribing,	513
dispensing, administering, or causing to be administered any	514
particular medical procedure, treatment, intervention, or other	515
measure to the patient, including, but not limited to,	516
prescribing, dispensing, administering, or causing to be	517
administered by judicious titration or in another manner any form	518
of medication, for the purpose of diminishing the qualified	519
patient's or other patient's pain or discomfort and not for the	520
purpose of postponing or causing the qualified patient's or other	521
patient's death, even though the medical procedure, treatment,	522
intervention, or other measure may appear to hasten or increase	523
the risk of the patient's death. Nothing in this chapter sections	524
<u>2133.01 to 2133.15 Of the Revised Code</u> precludes health care	525
personnel acting under the direction of the patient's attending	526
physician who carry out the responsibility to provide comfort care	527
to the patient in good faith and while acting within the scope of	528
their authority from dispensing, administering, or causing to be	529
administered any particular medical procedure, treatment,	530
intervention, or other measure to the patient, including, but not	531
limited to, dispensing, administering, or causing to be	532
administered by judicious titration or in another manner any form	533
of medication, for the purpose of diminishing the qualified	534
patient's or other patient's pain or discomfort and not for the	535
purpose of postponing or causing the qualified patient's or other	536
patient's death, even though the medical procedure, treatment,	537
intervention, or other measure may appear to hasten or increase	538
the risk of the patient's death.	539
(2)(a) If, at any time, a person described in division	540

(A)(2)(a)(i) of section 2133.05 of the Revised Code or the	541
individual or a majority of the individuals in either of the first	542
two classes of individuals that pertain to a declarant in the	543
descending order of priority set forth in division (A)(2)(a)(ii)	544
of section 2133.05 of the Revised Code believes in good faith that	545
both of the following circumstances apply, the person or the	546
individual or majority of individuals in either of the first two	547
classes of individuals may commence an action in the probate court	548
of the county in which a declarant who is in a terminal condition	549
or permanently unconscious state is located for the issuance of an	550
order mandating the use or continuation of comfort care in	551
connection with the declarant in a manner that is consistent with	552
division (E)(1) of this section:	553
(i) Comfort care is not being used or continued in connection	554
with the declarant.	555
(ii) The withholding or withdrawal of the comfort care is	556
contrary to division (E)(1) of this section.	557
(b) If a declarant did not designate in the declarant's	558
declaration a person as described in division (A)(2)(a)(i) of	559
section 2133.05 of the Revised Code and if, at any time, a	560
priority individual or any member of a priority class of	561
individuals under division (A)(2)(a)(ii) of section 2133.05 of the	562
Revised Code or, at any time, the individual or a majority of the	563
individuals in the next class of individuals that pertains to the	564
declarant in the descending order of priority set forth in that	565
division believes in good faith that both of the following	566
circumstances apply, the priority individual, the member of the	567
priority class of individuals, or the individual or majority of	568
individuals in the next class of individuals that pertains to the	569
declarant may commence an action in the probate court of the	570
county in which a declarant who is in a terminal condition or	571
permanently unconscious state is located for the issuance of an	572

order mandating the use or continuation of comfort care in	573
connection with the declarant in a manner that is consistent with	574
division (E)(1) of this section:	575
(i) Comfort care is not being used or continued in connection	576
with the declarant.	577
(ii) The withholding or withdrawal of the comfort care is	578
contrary to division (E)(1) of this section.	579
(c) If, at any time, a priority individual or any member of a	580
priority class of individuals under division (B) of section	581
2133.08 of the Revised Code or, at any time, the individual or a	582
majority of the individuals in the next class of individuals that	583
pertains to the patient in the descending order of priority set	584
forth in that division believes in good faith that both of the	585
following circumstances apply, the priority individual, the member	586
of the priority class of individuals, or the individual or	587
majority of individuals in the next class of individuals that	588
pertains to the patient may commence an action in the probate	589
court of the county in which a patient as described in division	590
(A) of section 2133.08 of the Revised Code is located for the	591
issuance of an order mandating the use or continuation of comfort	592
care in connection with the patient in a manner that is consistent	593
with division (E)(1) of this section:	594
(i) Comfort care is not being used or continued in connection	595
with the patient.	596
(ii) The withholding or withdrawal of the comfort care is	597
contrary to division (E)(1) of this section.	598
Sec. 2133.13. In the absence of actual knowledge to the	599
contrary and if acting in good faith, an attending or consulting	600
physician, other health care personnel, and health care facilities	601
may assume that a declaration complies with this chapter sections	602

<u>2133.01 to 2133.15 Of the Revised Code</u> and is valid.	603
 Sec. 2133.14. A declaration executed under the law of another state in compliance with that law or in substantial compliance with this chapter sections 2133.01 to 2133.15 Of the Revised Code shall be considered to be valid for purposes of this chapter sections 2133.01 to 2133.15 Of the Revised Code .	604 605 606 607 608
 Sec. 2133.15. (A) This chapter shall Sections 2133.01 to 2133.15 Of the Revised Code apply to any written document that was executed anywhere prior to the effective date of this section OCTOBER 10, 1991 , that voluntarily was so executed by an adult who was of sound mind, that was signed by the adult or by another individual at the direction of the adult, that was or was not witnessed or acknowledged before a notary public as described in division (B) of section 2133.02 of the Revised Code, and that specifies the adult's intention with respect to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment if he the adult is at any time in a terminal condition, in a permanently unconscious state, or in either a terminal condition or a permanently unconscious state, if he the adult is at that time no longer able to make informed decisions regarding the administration of life-sustaining treatment, and if at that time there is no reasonable possibility that he the adult will regain the capacity to make those informed decisions. The document shall be considered to be a declaration, shall be given effect as if it had been executed on or after the effective date of this section OCTOBER 10, 1991 , in accordance with this chapter sections 2133.01 to 2133.15 Of the Revised Code , and, except as otherwise provided in division (B) of this section, shall be subject to all provisions of this chapter sections 2133.01 to 2133.15 Of the Revised Code pertaining to declarations.	609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632

(B)(1) If a declaration as described in division (A) of this section does not state that, or does not contain a checked or marked box or line adjacent to a statement indicating that, the declarant authorizes his <u>the declarant's</u> attending physician to withhold or withdraw nutrition or hydration when he <u>the declarant</u> is in a permanently unconscious state and when his <u>the declarant's</u> attending physician and at least one other physician who has examined him <u>the declarant</u> determine, to a reasonable degree of medical certainty and in accordance with reasonable medical standards, that nutrition or hydration will not or no longer will serve to provide comfort to him <u>the declarant</u> or alleviate his <u>the declarant's</u> pain, then, if the declaration becomes operative under section 2133.03 of the Revised Code because the declarant is in a permanently unconscious state, the attending physician of the declarant shall apply to the probate court of the county in which the declarant is located for the issuance of an order whether or not the attending physician is required to provide the declarant with nutrition and hydration for as long as the declarant is in the permanently unconscious state. Upon the filing of the application, the clerk of the probate court shall schedule a hearing on it and cause a copy of it and a notice of the hearing to be served in accordance with the Rules of Civil Procedure upon the attending physician and the individuals described in divisions (B)(1) to (5) of section 2133.08 of the Revised Code, which service shall be made, if possible, within three days after the filing of the application. The hearing shall be conducted at the earliest possible time, but no sooner than the thirtieth business day, and no later than the sixtieth business day, after such <u>that</u> service has been completed.	633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661
(2) At the hearing, the attending physician and any individual described in divisions (B)(1) to (5) of section 2133.08 of the Revised Code shall be permitted to testify and present	662 663 664

evidence relative to the use or continuation, or the withholding 665
or withdrawal, of nutrition and hydration for as long as the 666
declarant is in the permanently unconscious state. Immediately 667
following the hearing, the court shall enter on its journal its 668
determination, based on the evidence presented by all of the 669
parties at the hearing on the application and subject to division 670
(B)(3) of this section, whether or not the attending physician is 671
required to provide the declarant with nutrition and hydration for 672
as long as ~~he~~ the declarant is in the permanently unconscious 673
state. 674

(3) The court shall issue an order that authorizes the 675
declarant's attending physician to commence the withholding or 676
withdrawal of nutrition and hydration in connection with the 677
~~declarant~~ DECLARANT only if the applicant establishes, by clear and 678
convincing evidence, that the order would be consistent with one 679
of the following: 680

(a) The declarant's previously expressed intention with 681
respect to the use or continuation, or the withholding or 682
withdrawal, of nutrition and hydration should ~~he~~ the declarant 683
subsequently be in a permanently unconscious state and no longer 684
able to make informed decisions regarding the administration of 685
nutrition and hydration; 686

(b) In the absence of ~~such~~ a previously expressed intention 687
of that nature, the type of informed consent decision that the 688
declarant would have made if ~~he~~ the declarant had expressed ~~his~~ 689
the declarant's intention with respect to the use or continuation, 690
or the withholding or withdrawal, of nutrition and hydration 691
should ~~he~~ the declarant subsequently be in a permanently 692
unconscious state and no longer able to make informed decisions 693
regarding the administration of nutrition and hydration, as 694
inferred from the lifestyle and character of the declarant, and 695
from any other evidence of the declarant's desires, prior to ~~his~~ 696

<u>the declarant</u> becoming no longer able to make informed decisions	697
regarding the administration of nutrition and hydration. The Rules	698
of Evidence shall not be binding for purposes of this division.	699
	700
(4) Notwithstanding any contrary provision of the Revised	701
Code or of the Rules of Civil Procedure, the state and persons	702
other than individuals described in divisions (B)(1) to (5) of	703
section 2133.08 of the Revised Code and other than the attending	704
physician of the declarant are prohibited from filing an	705
application under this division <u>(B) of this section</u> and from	706
joining or being joined as parties to a hearing conducted under	707
this division <u>(B) of this section</u> , including joining by way of	708
intervention.	709
Sec. 2133.21. <u>As used in SECTIONS 2133.21 to 2133.26 of the</u>	710
<u>Revised Code, unless the context clearly requires otherwise:</u>	711
(A) <u>"Attending physician"</u> means the physician to whom a	712
<u>person, or the family of a person, has assigned primary</u>	713
<u>responsibility for the treatment or care of the person or, if the</u>	714
<u>person or the person's family has not assigned that</u>	715
<u>responsibility, the physician who has accepted that</u>	716
<u>responsibility.</u>	717
(B) <u>"Declaration," "health care facility," "life-sustaining</u>	718
<u>treatment," "physician," "professional disciplinary action," and</u>	719
<u>"tort action"</u> have the same meanings as in section 2133.01 of the	720
<u>Revised Code.</u>	721
(C) <u>"DNR identification"</u> means a standardized identification	722
<u>card, form, necklace, or bracelet that is of uniform size and</u>	723
<u>design, that has been approved by the department of health</u>	724
<u>pursuant to section 2133.25 of the Revised Code, and that</u>	725
<u>signifies either of the following:</u>	726
(1) <u>That the person who is named on and possesses the card,</u>	727

<u>form, necklace, or bracelet has executed a declaration that</u>	728
<u>authorizes the withholding or withdrawal of CPR and that has not</u>	729
<u>been revoked pursuant to section 2133.04 of the Revised Code;</u>	730
<u>(2) That the attending physician of the person who is named</u>	731
<u>on and possesses the card, form, necklace, or bracelet has issued</u>	732
<u>a current do-not-resuscitate order, in accordance with the</u>	733
<u>do-not-resuscitate protocol adopted by the department of health</u>	734
<u>pursuant to section 2133.25 of the Revised Code, for that person</u>	735
<u>and has documented the grounds for the order in that person's</u>	736
<u>medical record.</u>	737
<u>(D) "Do-not-resuscitate order" means a directive issued by a</u>	738
<u>physician that identifies a person and specifies that CPR should</u>	739
<u>not be administered to the person so identified.</u>	740
<u>(E) "Do-not-resuscitate protocol" means the standardized</u>	741
<u>method of procedure for the withholding of CPR by PHYSICIANS,</u>	742
<u>emergency medical service personnel, and health care facilities</u>	743
<u>that is adopted in the rules of the department of health pursuant</u>	744
<u>to section 2133.25 of the Revised Code.</u>	745
<u>(F) "Emergency medical services personnel" means paid or</u>	746
<u>volunteer firefighters, law enforcement officers, first</u>	747
<u>responders, emergency medical technicians-basic, emergency medical</u>	748
<u>technicians-intermediate, emergency medical technicians-paramedic,</u>	749
<u>medical TECHNICIANS, or other emergency services personnel acting</u>	750
<u>within the ordinary course of their profession.</u>	751
<u>(G) "CPR" means cardiopulmonary resuscitation or a component</u>	752
<u>of cardiopulmonary resuscitation, but it does not include clearing</u>	753
<u>a person's airway for a purpose other than as a component of CPR.</u>	754
<u>Sec. 2133.211. A PERSON WHO HOLDS A CERTIFICATE OF AUTHORITY</u>	755
<u>TO PRACTICE AS A CERTIFIED NURSE PRACTITIONER OR CLINICAL NURSE</u>	756
<u>SPECIALIST ISSUED UNDER section 4723.42 OF THE REVISED CODE MAY</u>	757
<u>TAKE ANY ACTION THAT MAY BE TAKEN BY AN ATTENDING PHYSICIAN UNDER</u>	758

<u>SECTIONS 2133.21 TO 2133.26 OF THE REVISED CODE AND HAS THE</u>	759
<u>IMMUNITY PROVIDED BY SECTION 2133.22 OF THE REVISED CODE IF THE</u>	760
<u>ACTION IS TAKEN PURSUANT TO A STANDARD CARE ARRANGEMENT WITH A</u>	761
<u>COLLABORATING PHYSICIAN.</u>	762
<u>Sec. 2133.22. (A)(1) None of the following are subject to</u>	763
<u>criminal PROSECUTION, to liability in damages in a tort or other</u>	764
<u>civil action for injury, death, or loss to person or property, or</u>	765
<u>to professional disciplinary ACTION arising out of or relating to</u>	766
<u>the withholding or withdrawal of CPR from a person after DNR</u>	767
<u>identification is discovered in the person's possession AND</u>	768
<u>REASONABLE EFFORTS HAVE BEEN MADE TO DETERMINE THAT THE PERSON IN</u>	769
<u>POSSESSION OF THE DNR IDENTIFICATION IS THE PERSON NAMED ON THE</u>	770
<u>DNR IDENTIFICATION:</u>	771
<u>(a) A physician who causes the withholding or withdrawal of</u>	772
<u>CPR from the person possessing the DNR identification;</u>	773
<u>(b) A person who participates under the direction of or with</u>	774
<u>the authorization of a physician in the withholding or withdrawal</u>	775
<u>of CPR from the person possessing the DNR identification;</u>	776
<u>(c) Any emergency medical services personnel who cause or</u>	777
<u>participate in the withholding or withdrawal of CPR from the</u>	778
<u>person possessing the DNR identification.</u>	779
<u>(2) None of the following are subject to criminal</u>	780
<u>PROSECUTION, to liability in damages in a tort or other civil</u>	781
<u>action for injury, death, or loss to person or property, or to</u>	782
<u>professional disciplinary action arising out of or relating to the</u>	783
<u>withholding or withdrawal of CPR from a person in a health care</u>	784
<u>facility after DNR identification is discovered in the person's</u>	785
<u>possession AND REASONABLE EFFORTS HAVE BEEN MADE TO DETERMINE THAT</u>	786
<u>THE PERSON IN POSSESSION OF THE DNR IDENTIFICATION IS THE PERSON</u>	787
<u>NAMED ON THE DNR IDENTIFICATION or a do-not-resuscitate order is</u>	788
<u>issued for the person:</u>	789

(a) <u>The health care facility or the administrator of the health care facility;</u>	790 791
(b) <u>A PHYSICIAN who causes the withholding or withdrawal of cpr from the person possessing the dnr identification or for whom the do-not-resuscitate order has been issued;</u>	792 793 794
(c) <u>Any person who works for the health care facility as an employee, contractor, or volunteer and who participates under the direction of or with the authorization of a physician in the withholding or withdrawal of cpr from the person possessing the dnr identification;</u>	795 796 797 798 799
(d) <u>Any person who works for the health care facility as an employee, contractor, or volunteer and who participates under the direction of or with the authorization of a physician in the withholding or withdrawal of cpr from the person for whom the do-not-resuscitate order has been issued.</u>	800 801 802 803 804
(3) <u>If, after DNR identification is discovered in the possession of a person, the person makes an oral or written request to receive CPR, any person who provides CPR pursuant to the request, any health care facility in which CPR is provided, and the administrator of any health care facility in which CPR is provided are not subject to criminal prosecution as a result of the provision of the CPR, are not liable in damages in a tort or other civil action for injury, death, or loss to person or property that arises out of or is related to the provision of the CPR, and are not subject to professional disciplinary action as a result of the provision of the CPR.</u>	805 806 807 808 809 810 811 812 813 814 815
(B) <u>Divisions (A)(1), (A)(2), and (C) of this section do not apply when CPR is withheld or withdrawn from a person who possesses DNR identification or for whom a do-not-resuscitate order has been issued unless the WITHHOLDING or withdrawal is in ACCORDANCE with the do-not-resuscitate protocol.</u>	816 817 818 819 820

(C) <u>Any emergency medical services personnel who comply with a do-not-resuscitate order issued by a physician and any individuals who work for a health care facility as employees, contractors, or volunteers and who comply with a do-not-resuscitate order issued by a physician are not subject to liability in damages in a civil action for injury, death, or loss to person or property that arises out of or is related to compliance with the order, are not subject to criminal prosecution as a result of compliance with the order, and are not subject to professional disciplinary action as a result of compliance with the order.</u>	821 822 823 824 825 826 827 828 829 830 831
<u>In an emergency situation, emergency medical services personnel and emergency department personnel are not required to search a person to determine if the person possesses DNR identification. If a person possesses DNR identification, if emergency medical services personnel or emergency department personnel provide CPR to the person in an emergency situation, and if, at that time, the personnel do not know and do not have reasonable cause to believe that the person possesses DNR identification, the emergency medical services personnel and emergency department personnel are not subject to criminal prosecution as a result of the provision of the CPR, are not liable in damages in a tort or other civil action for injury, death, or loss to person or property that arises out of or is related to the provision of the CPR, and are not subject to professional disciplinary action as a result of the provision of the CPR.</u>	832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847
<u>(D) NOTHING IN SECTIONS 2133.21 TO 2133.26 OF THE REVISED CODE OR THE DO-NOT-RESUSCITATE PROTOCOL GRANTS IMMUNITY TO A PHYSICIAN FOR ISSUING A DO-NOT-RESUSCITATE ORDER THAT IS CONTRARY TO REASONABLE MEDICAL STANDARDS OR THAT THE PHYSICIAN KNOWS OR HAS REASON TO KNOW IS CONTRARY TO THE WISHES OF THE PATIENT OR OF A</u>	848 849 850 851 852

<u>PERSON WHO IS LAWFULLY AUTHORIZED TO MAKE INFORMED MEDICAL DECISIONS ON THE PATIENT'S BEHALF.</u>	853
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Sec. 2133.23. (A) <u>If emergency medical services personnel, other than physicians, are presented with DNR IDENTIFICATION possessed by a person or are presented with a written do-not-resuscitate order for a person or if a physician directly issues to emergency medical services personnel, other than physicians, an oral do-not-resuscitate order for a person, the emergency medical services personnel shall comply with the do-not-resuscitate protocol for the person. If an oral do-not-resuscitate order is issued by a physician who is not present at the scene, the emergency medical services personnel shall verify the physician's identity.</u>	855
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(B) <u>If a person possesses DNR identification and if the person's attending physician or the health care facility in which the person is located is unwilling or unable to comply with the do-not-resuscitate protocol for the person, the attending physician or the health care facility shall not prevent or attempt to prevent, or unreasonably delay or attempt to delay, the transfer of the person to a different physician who will follow THE protocol or to a different health care facility in which the protocol will be followed.</u>	866
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(C) <u>If a person who possesses dnr identification or for whom a current do-not-RESUSCITATE order has been issued is being transferred from one health care facility to another, before or at the time of the transfer, the transferring health care facility shall notify the receiving health care facility and the persons transporting the person of the existence of the DNR identification or the order. If a current do-not-resuscitate order was issued orally, it shall be reduced to writing before the time of the transfer. The DNR identification or the order shall accompany the person to the receiving health care facility and shall remain in</u>	875
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<u>effect unless it is revoked or unless, in the case of a</u>	885
<u>do-not-resuscitate order, the order no longer is current.</u>	886
<u>Sec. 2133.24. (A) The death of a person resulting from the</u>	887
<u>withholding or withdrawal of CPR for the person pursuant to the</u>	888
<u>do-not-resuscitate protocol and in the circumstances described in</u>	889
<u>section 2133.22 of the Revised Code or in accordance with division</u>	890
<u>(A) of section 2133.23 of the Revised Code does not constitute for</u>	891
<u>any purpose a suicide, aggravated murder, murder, or any other</u>	892
<u>homicide.</u>	893
<u>(B)(1) If a person possesses DNR IDENTIFICATION or if a</u>	894
<u>current do-not-resuscitate order has been issued for a person, the</u>	895
<u>possession or order shall not do either of the following:</u>	896
<u>(a) Affect in any manner the sale, procurement, issuance, or</u>	897
<u>renewal of a policy of life insurance or annuity, notwithstanding</u>	898
<u>any term of a policy or annuity to the contrary;</u>	899
<u>(b) Be deemed to modify in any manner or invalidate the terms</u>	900
<u>of any policy of life insurance or annuity that is in effect on</u>	901
<u>the effective date of this section.</u>	902
<u>(2) Notwithstanding any term of a policy of life insurance or</u>	903
<u>annuity to the contrary, the withholding or withdrawal of CPR from</u>	904
<u>a person who is insured or covered under the policy or annuity and</u>	905
<u>who possesses DNR identification or for whom a current</u>	906
<u>do-not-resuscitate order has been issued, in accordance with</u>	907
<u>sections 2133.21 to 2133.26 of the Revised Code, shall not impair</u>	908
<u>or invalidate any policy of life insurance or annuity.</u>	909
<u>(3) Notwithstanding any term of a policy or plan to the</u>	910
<u>contrary, neither of the following shall impair or invalidate any</u>	911
<u>policy of health insurance or other health care benefit plan:</u>	912
<u>(a) The withholding or withdrawal in accordance with sections</u>	913
<u>2133.21 to 2133.26 of the Revised Code of CPR from a person who is</u>	914
<u>insured or covered under the policy or plan and who possesses DNR</u>	915

<u>identification or for whom a current do-not-resuscitate order has been issued;</u>	916 917
<u>(b) The provision in accordance with sections 2133.21 to 2133.26 of the Revised Code of CPR to a person of the nature described in division (B)(3)(a) of this section.</u>	918 919 920
<u>(4) No physician, health care facility, other health care provider, person authorized to engage in the business of insurance in this state under Title XXXIX of the Revised Code, health insuring corporation, other health care benefit plan, legal entity that is self-insured and provides benefits to its employees or members, or other person shall require an individual to possess DNR identification, or shall require an individual to revoke or refrain from possessing DNR identification, as a condition of being insured or of receiving health care benefits or services.</u>	921 922 923 924 925 926 927 928 929
<u>(C)(1) Sections 2133.21 to 2133.26 of the Revised Code do not create any presumption concerning the intent of an individual who does not possess DNR identification with respect to the use, withholding, or withdrawal of CPR.</u>	930 931 932 933
<u>(2) Sections 2133.21 to 2133.26 of the Revised Code do not affect the right of a person to make informed decisions regarding the use, withholding, or withdrawal of CPR for the person as long as the person is able to make those decisions.</u>	934 935 936 937
<u>(3) Sections 2133.21 to 2133.26 of the Revised Code are in addition to and independent of, and do not limit, impair, or supersede, any right or RESPONSIBILITY that a person has to effect the withholding or withdrawal of life-sustaining treatment to another pursuant to sections 2133.01 to 2133.15 of the Revised Code or in any other lawful manner.</u>	938 939 940 941 942 943
<u>(D) Nothing in sections 2133.21 to 2133.26 of the Revised Code condones, authorizes, or approves of mercy killing, assisted SUICIDE, or euthanasia.</u>	944 945 946

Sec. 2133.25. (A) <u>The department of health, by rule adopted</u>	947
<u>pursuant to Chapter 119. of the Revised Code, shall adopt a</u>	948
<u>standardized method of procedure for the withholding of CPR by</u>	949
<u>physicians, emergency medical services personnel, and health care</u>	950
<u>facilities in accordance with sections 2133.21 to 2133.26 of the</u>	951
<u>Revised Code. The standardized method shall specify criteria for</u>	952
<u>determining when a do-not-resuscitate order issued by a physician</u>	953
<u>is current. The standardized method so adopted shall be the</u>	954
<u>"do-not-resuscitate protocol" for purposes of sections 2133.21 to</u>	955
<u>2133.26 of the Revised Code. The department also shall approve one</u>	956
<u>or more standard forms of DNR identification to be used throughout</u>	957
<u>this state.</u>	958
(B) <u>The department of health shall adopt rules in accordance</u>	959
<u>with Chapter 119. of the Revised Code for the administration of</u>	960
<u>sections 2133.21 to 2133.26 of the Revised Code.</u>	961
(C) <u>The department of health shall appoint an advisory</u>	962
<u>committee to advise the department in the development of rules</u>	963
<u>under this section. The advisory committee shall include, but</u>	964
<u>shall not be limited to, representatives of each of the following</u>	965
<u>organizations:</u>	966
(1) <u>The association for hospitals and health systems (OHA);</u>	967
(2) <u>The Ohio state medical association;</u>	968
(3) <u>The Ohio chapter of the American college of emergency</u>	969
<u>physicians;</u>	970
(4) <u>The Ohio hospice organization;</u>	971
(5) <u>The Ohio council for home care;</u>	972
(6) <u>The Ohio health care association;</u>	973
(7) <u>The Ohio ambulance association;</u>	974
(8) <u>The Ohio medical directors association;</u>	975

(9) <u>The Ohio association of emergency medical services;</u>	976
(10) <u>The bioethics network of Ohio;</u>	977
(11) <u>THE OHIO NURSES ASSOCIATION;</u>	978
(12) <u>THE OHIO ACADEMY OF NURSING HOMES;</u>	979
(13) <u>THE OHIO ASSOCIATION OF PROFESSIONAL FIREFIGHTERS;</u>	980
(14) <u>THE DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL</u> <u>DISABILITIES;</u>	981
(15) <u>THE OHIO OSTEOPATHIC ASSOCIATION;</u>	982
(16) <u>The association of Ohio philanthropic homes, housing and</u> <u>services for the aging;</u>	983
(17) <u>The catholic conference of Ohio;</u>	984
(18) <u>The department of aging;</u>	985
(19) <u>The department of mental health;</u>	986
(20) <u>The Ohio private residential association;</u>	987
(21) <u>The northern Ohio fire fighters association.</u>	988
Sec. 2133.26. (A)(1) <u>No physician shall purposely prevent or</u>	989
<u>attempt to prevent, or delay or unreasonably attempt to delay, the</u>	990
<u>transfer of a patient in violation of division (B) of section</u>	991
<u>2133.23 of the Revised Code.</u>	992
(2) <u>No person shall purposely conceal, cancel, deface, or</u>	993
<u>obliterate the DNR IDENTIFICATION of another person without the</u>	994
<u>consent of the other person.</u>	995
(3) <u>No person shall purposely falsify or forge a revocation</u>	996
<u>of a declaration that is the basis of the DNR identification of</u>	997
<u>another person or purposely falsify or forge an order of a</u>	998
<u>physician that purports to supersede a do-not-resuscitate order</u>	999
<u>issued for another person.</u>	1000
(4) <u>No person shall purposely falsify or forge the DNR</u>	1001
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<u>identification of another person with the intent to cause the use, withholding, or withdrawal of CPR for the other person.</u>	1004
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<u>(5) No person who has personal knowledge that another person has revoked a declaration that is the basis of the other person's DNR identification or personal knowledge that a physician has issued an order that supersedes a do-not-resuscitate order that the physician issued for another person shall purposely conceal or WITHHOLD that personal knowledge with the intent to cause the use, withholding, or withdrawal of CPR for the other person.</u>	1006
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<u>(B)(1) Whoever violates division (A)(1) or (5) of this section is guilty of a misdemeanor of the third degree.</u>	1013
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<u>(2) Whoever violates division (A)(2), (3), or (4) of this section is guilty of a misdemeanor of the first degree.</u>	1015
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 Sec. 3721.17. (A) Any resident who believes that <u>his the resident's</u> rights under sections 3721.10 to 3721.17 of the Revised Code have been violated may file a grievance under procedures adopted pursuant to division (A)(2) of section 3721.12 of the Revised Code.	1017
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 When the grievance committee determines a violation of sections 3721.10 to 3721.17 of the Revised Code has occurred, it shall notify the administrator of the home. If the violation cannot be corrected within ten days, or if ten days have elapsed without correction of the violation, the grievance committee shall refer the matter to the department of health.	1022
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 (B) Any person who believes that a resident's rights under sections 3721.10 to 3721.17 of the Revised Code have been violated may report or cause reports to be made of the information directly to the department of health. No person who files a report is liable for civil damages resulting from the report.	1028
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 (C)(1) Within thirty days of receiving a complaint under this	1033

section, the department of health shall investigate any complaint referred to it by a home's grievance committee and any complaint from any source that alleges that the home provided substantially less than adequate care or treatment, or substantially unsafe conditions, or, within seven days of receiving a complaint, refer it to the attorney general, if <u>he</u> <u>the attorney general</u> agrees to investigate within thirty days.	1034 1035 1036 1037 1038 1039 1040
(2) Within thirty days of receiving a complaint under this section, the department of health may investigate any alleged violation of sections 3721.10 to 3721.17 of the Revised Code, or of rules, policies, or procedures adopted pursuant to those sections, not covered by division (C)(1) of this section, or it may, within seven days of receiving a complaint, refer the complaint to the grievance committee at the home where the alleged violation occurred, or to the attorney general if <u>he</u> <u>the attorney general</u> agrees to investigate within thirty days.	1041 1042 1043 1044 1045 1046 1047 1048 1049
(D) If, after an investigation, the department of health finds probable cause to believe that a violation of sections 3721.10 to 3721.17 of the Revised Code, or of rules, policies, or procedures adopted pursuant to those sections, has occurred at a home that is certified under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, it shall cite one or more findings or deficiencies under sections 5111.35 to 5111.62 of the Revised Code. If the home is not so certified, the department shall hold an adjudicative hearing within thirty days under Chapter 119. of the Revised Code.	1050 1051 1052 1053 1054 1055 1056 1057 1058 1059
(E) Upon a finding at an adjudicative hearing under division (D) of this section that a violation of sections 3721.10 to 3721.17 of the Revised Code, or of rules, policies, or procedures adopted pursuant thereto, has occurred, the department of health shall make an order for compliance, set a reasonable time for compliance, and assess a fine pursuant to division (F) of this	1060 1061 1062 1063 1064 1065

section. The fine shall be paid to the general revenue fund only if compliance with the order is not shown to have been made within the reasonable time set in the order. The department of health may issue an order prohibiting the continuation of any violation of sections 3721.10 to 3721.17 of the Revised Code.	1066 1067 1068 1069 1070
Findings at the hearings conducted under this section may be appealed pursuant to Chapter 119. of the Revised Code, except that an appeal may be made to the court of common pleas of the county in which the home is located.	1071 1072 1073 1074
The department of health shall initiate proceedings in court to collect any fine assessed under this section which is unpaid thirty days after the violator's final appeal is exhausted.	1075 1076 1077
(F) Any home found, pursuant to an adjudication hearing under division (D) of this section, to have violated sections 3721.10 to 3721.17 of the Revised Code, or rules, policies, or procedures adopted pursuant to those sections may be fined not less than one hundred nor more than five hundred dollars for a first offense. For each subsequent offense, the home may be fined not less than two hundred nor more than one thousand dollars.	1078 1079 1080 1081 1082 1083 1084
A violation of sections 3721.10 to 3721.17 of the Revised Code is a separate offense for each day of the violation and for each resident who claims the violation.	1085 1086 1087
(G) No home or employee of a home shall retaliate against any person who:	1088 1089
(1) Exercises any right set forth in sections 3721.10 to 3721.17 of the Revised Code, including, but not limited to, filing a complaint with the home's grievance committee or reporting an alleged violation to the department of health;	1090 1091 1092 1093
(2) Appears as a witness in any hearing conducted under this section and section 3721.16 of the Revised Code;	1094 1095

(3) Files a civil action alleging a violation of sections 3721.10 to 3721.17 of the Revised Code, or notifies a county prosecuting attorney or the attorney general of a possible violation of sections 3721.10 to 3721.17 of the Revised Code.	1096 1097 1098 1099
If, under the procedures outlined in this section, a home or its employee is found to have retaliated, the violator may be fined up to one thousand dollars.	1100 1101 1102
(H) When legal action is indicated, any evidence of criminal activity found in an investigation under division (C) of this section shall be given to the prosecuting attorney in the county in which the home is located for investigation.	1103 1104 1105 1106
(I)(1) Any resident whose rights under sections 3721.10 to 3721.17 of the Revised Code are violated has a cause of action against any person or home committing the violation. The action may be commenced by the resident or by <u>his</u> <u>the resident's</u> sponsor on <u>his</u> <u>behalf of the resident</u> . The court may award actual and punitive damages for violation of the rights. The	1107 1108 1109 1110 1111 1112
<u>(2)(a) If compensatory damages are awarded for a violation of the resident's rights, section 2315.21 of the Revised Code, except divisions (E)(1) and (2) of that section, shall apply to an award of punitive or exemplary damages for the violation.</u>	1113 1114 1115 1116
(b) <u>The</u> court may award to the prevailing party reasonable attorney's fees limited to the work reasonably performed.	1117 1118
<u>(3) Division (I)(2)(a) of this section shall be considered to be purely remedial in operation and shall be applied in a remedial manner in any civil action in which this section is relevant, whether the action is pending in court or commenced on or after the effective date of this amendment.</u>	1119 1120 1121 1122 1123
Sec. 4506.07. (A) Every application for a commercial driver's license, restricted commercial driver's license, or a commercial	1124 1125

driver's temporary instruction permit, or a duplicate of such a 1126
license, shall be made upon a form approved and furnished by the 1127
registrar of motor vehicles. Except as provided in section 4506.24 1128
of the Revised Code in regard to a restricted commercial driver's 1129
license, the application shall be signed by the applicant and 1130
shall contain the following information: 1131

(1) The applicant's name, date of birth, social security 1132
account number, sex, general description including height, weight, 1133
and color of hair and eyes, current residence, duration of 1134
residence in this state, country of citizenship, and occupation; 1135

(2) Whether the applicant previously has been licensed to 1136
operate a commercial motor vehicle or any other type of motor 1137
vehicle in another state or a foreign jurisdiction and, if so, 1138
when, by what state, and whether the license or driving privileges 1139
currently are suspended or revoked in any jurisdiction, or the 1140
applicant otherwise has been disqualified from operating a 1141
commercial motor vehicle, or is subject to an out-of-service order 1142
issued under this chapter or any similar law of another state or a 1143
foreign jurisdiction and, if so, the date of, locations involved, 1144
and reason for the suspension, revocation, disqualification, or 1145
out-of-service order; 1146

(3) Whether the applicant is afflicted with or suffering from 1147
any physical or mental disability or disease that prevents him the 1148
applicant from exercising reasonable and ordinary control over a 1149
motor vehicle while operating it upon a highway or is or has been 1150
subject to any condition resulting in episodic impairment of 1151
consciousness or loss of muscular control and, if so, the nature 1152
and extent of the disability, disease, or condition, and the names 1153
and addresses of the physicians attending him the applicant; 1154
1155

(4) Whether the applicant has obtained a medical examiner's 1156

certificate as required by this chapter;	1157
(5) Whether the applicant has pending a citation for violation of any motor vehicle law or ordinance except a parking violation and, if so, a description of the citation, the court having jurisdiction of the offense, and the date when the offense occurred;	1158 1159 1160 1161 1162
(6) Whether the applicant wishes to certify willingness to make an anatomical donation under section 2108.04 of the Revised Code, which shall be given no consideration in the issuance of a license;	1163 1164 1165 1166
(7) On and after May 1, 1993, whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to Chapter 2133. sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether he <u>the applicant</u> wishes his THE license <u>issued</u> to indicate that he <u>the applicant</u> has executed the instrument.	1167 1168 1169 1170 1171 1172 1173 1174 1175
(B) Every applicant shall certify, on a form approved and furnished by the registrar, all of the following:	1176 1177
(1) That the motor vehicle in which the applicant intends to take the driving skills test is representative of the type of motor vehicle that the applicant expects to operate as a driver;	1178 1179 1180
(2) That the applicant is not subject to any disqualification or out-of-service order, or license suspension, revocation, or cancellation, under the laws of this state, of another state, or of a foreign jurisdiction and does not have more than one driver's license issued by this or another state or a foreign jurisdiction;	1181 1182 1183 1184 1185 1186

(3) Any additional information, certification, or evidence that the registrar requires by rule in order to ensure that the issuance of a commercial driver's license to the applicant is in compliance with the law of this state and with federal law.	1187 1188 1189 1190
(C) Every applicant shall execute a form, approved and furnished by the registrar, under which the applicant consents to the release by the registrar of information from the applicant's driving record.	1191 1192 1193 1194
(D) The registrar or a deputy registrar shall , in accordance with section 3503.11 of the Revised Code, SHALL register as an elector any applicant for a commercial driver's license or for a renewal or duplicate of such a license under this chapter, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue him <u>the applicant</u> a license or a renewal or duplicate.	1195 1196 1197 1198 1199 1200 1201 1202
(E) The registrar or a deputy registrar shall , in accordance with section 3503.11 of the Revised Code, SHALL offer the opportunity of completing a notice of change of residence or change of name to any applicant for a commercial driver's license or for a renewal or duplicate of such a license who is a resident of this state, if the applicant is a registered elector who has changed his <u>the applicant's</u> residence or name and has not filed such a notice.	1203 1204 1205 1206 1207 1208 1209 1210
Sec. 4507.06. (A)(1) Every application for a driver's license or motorcycle operator's license or endorsement, or duplicate of any such license or endorsement, shall be made upon the approved form furnished by the registrar of motor vehicles and shall be signed by the applicant.	1211 1212 1213 1214 1215
Every application shall state the following:	1216

(a) The applicant's name, date of birth, social security number if such has been assigned, sex, general description, including height, weight, color of hair, and eyes, residence address, including county of residence, duration of residence in this state, and country of citizenship;	1217 1218 1219 1220 1221
(b) Whether the applicant previously has been licensed as an operator, chauffeur, driver, commercial driver, or motorcycle operator and, if so, when, by what state, and whether such license is suspended or revoked at the present time and, if so, the date of and reason for the suspension or revocation;	1222 1223 1224 1225 1226
(c) Whether the applicant is now or ever has been afflicted with epilepsy, or whether the applicant now is suffering from any physical or mental disability or disease and, if so, the nature and extent of the disability or disease, giving the names and addresses of physicians then or previously in attendance upon the applicant;	1227 1228 1229 1230 1231 1232
(d) Whether an applicant for a duplicate driver's license, or duplicate license containing a motorcycle operator endorsement has pending a citation for violation of any motor vehicle law or ordinance, a description of any such citation pending, and the date of the citation;	1233 1234 1235 1236 1237
(e) Whether the applicant wishes to certify willingness to make an anatomical gift under section 2108.04 of the Revised Code, which shall be given no consideration in the issuance of a license or endorsement;	1238 1239 1240 1241
(f) On and after May 1, 1993, whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to Chapter 2133. <u>sections 2133.01 to 2133.15</u> of the Revised Code	1242 1243 1244 1245 1246 1247

and, if the applicant has executed either type of instrument,	1248
whether the applicant wishes the applicant's license to indicate	1249
that the applicant has executed the instrument.	1250
(2) Every applicant for a driver's license shall be	1251
photographed in color at the time the application for the license	1252
is made. The application shall state any additional information	1253
that the registrar requires.	1254
(B) The registrar or a deputy registrar, in accordance with	1255
section 3503.11 of the Revised Code, shall register as an elector	1256
any person who applies for a driver's license or motorcycle	1257
operator's license or endorsement under division (A) of this	1258
section, or for a renewal or duplicate of the license or	1259
endorsement, if the applicant is eligible and wishes to be	1260
registered as an elector. The decision of an applicant whether to	1261
register as an elector shall be given no consideration in the	1262
decision of whether to issue the applicant a license or	1263
endorsement, or a renewal or duplicate.	1264
(C) The registrar or a deputy registrar, in accordance with	1265
section 3503.11 of the Revised Code, shall offer the opportunity	1266
of completing a notice of change of residence or change of name to	1267
any applicant for a driver's license or endorsement under division	1268
(A) of this section, or for a renewal or duplicate of the license	1269
or endorsement, if the applicant is a registered elector who has	1270
changed the applicant's residence or name and has not filed such a	1271
notice.	1272
Sec. 4507.51. (A)(1) Every application for an identification	1273
card or duplicate shall be made on a form furnished by the	1274
registrar of motor vehicles, shall be signed by the applicant, and	1275
by <u>his</u> <u>the applicant's</u> parent or guardian if the applicant is	1276
under eighteen years of age, and shall contain the following	1277
information pertaining to the applicant: name, date of birth, sex,	1278

general description including the applicant's height, weight, hair 1279
color, and eye color, address, and at the option of the applicant, 1280
~~his~~ the applicant's social security number, ~~his~~ the applicant's 1281
blood type, or ~~his~~ the applicant's social security number and ~~his~~ 1282
blood type. The application form shall state that an applicant is 1283
not required to furnish ~~his~~ the applicant's social security number 1284
or ~~his~~ the applicant's blood type. The application shall also 1285
state whether an applicant wishes to certify willingness to make 1286
an anatomical gift under section 2108.04 of the Revised Code and 1287
shall include information about the requirements of that section 1288
that apply to persons who are less than eighteen years of age. The 1289
statement regarding willingness to make such a donation shall be 1290
given no consideration in the decision of whether to issue an 1291
identification card. Each applicant shall be photographed in color 1292
at the time of making application. 1293
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(2) On and after May 1, 1993, the application also shall 1295
state whether the applicant has executed a valid durable power of 1296
attorney for health care pursuant to sections 1337.11 to 1337.17 1297
of the Revised Code or has executed a declaration governing the 1298
use or continuation, or the withholding or withdrawal, of 1299
life-sustaining treatment pursuant to ~~Chapter~~ 2133. sections 1300
2133.01 to 2133.15 of the Revised Code and, if the applicant has 1301
executed either type of instrument, whether ~~he~~ the applicant 1302
wishes ~~his~~ THE identification card ISSUED to indicate that ~~he~~ the 1303
applicant has executed the instrument. 1304

(3) The registrar or deputy registrar, in accordance with 1305
section 3503.11 of the Revised Code, shall register as an elector 1306
any person who applies for an identification card or duplicate if 1307
the applicant is eligible and wishes to be registered as an 1308
elector. The decision of an applicant whether to register as an 1309
elector shall be given no consideration in the decision of whether 1310

to issue ~~him~~ the applicant an identification card or duplicate. 1311

(B) The application for an identification card or duplicate 1312
shall be filed in the office of the registrar or deputy registrar. 1313
Each applicant shall present documentary evidence as required by 1314
the registrar of ~~his~~ the applicant's age and identity. Each 1315
applicant who did not enter ~~his~~ or her social security number on 1316
~~his~~ or her application form, upon request, shall furnish the 1317
registrar or the deputy registrar with the applicant's social 1318
security number, if such a number has been assigned to the 1319
applicant, for purposes of determining whether a driver's or 1320
commercial driver's license has been issued under the same social 1321
security number. The registrar or deputy registrar shall not 1322
maintain the social security number as a part of the record or 1323
enter it on the application form. The applicant shall swear that 1324
all information given is true. 1325

All applications for an identification card or duplicate 1326
shall be filed in duplicate, and if submitted to a deputy 1327
registrar, a copy shall be forwarded to the registrar. The 1328
registrar shall prescribe rules for the manner in which a deputy 1329
registrar is to file and maintain applications and other records. 1330
The registrar shall maintain a suitable, indexed record of all 1331
applications denied and cards issued or canceled. 1332

Section 2. That existing sections 1337.12, 2133.01, 2133.02, 1333
2133.03, 2133.07, 2133.10, 2133.12, 2133.13, 2133.14, 2133.15, 1334
3721.17, 4506.07, 4507.06, and 4507.51 of the Revised Code are 1335
hereby repealed. 1336

Section 3. That Section 3 of Am. Sub. S.B. 1 of the 119th 1337
General Assembly be amended to read as follows: 1338

"Sec. 3. Chapter 2133. of the Revised Code, as ~~enacted~~ 1339
amended by this act, shall be entitled the Modified Uniform Rights 1340

of the Terminally Ill Act <u>and the DNR Identification and</u>	1341
<u>Do-Not-Resuscitate Order Law."</u>	1342
Section 4. That existing Section 3 of Am. Sub. S.B. 1 of the	1343
119th General Assembly is hereby repealed.	1344