

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. C. R. No. 26

Representative Brinkman

**Cosponsors: Representatives Fowler Arthur, Gross, Hall, Riedel, Schmidt, Stoltzfus,
Vitale, Powell, Creech**

A CONCURRENT RESOLUTION

To affirm the right of patients and families to direct 1
health care decisions. 2

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF
OHIO (THE SENATE CONCURRING):**

WHEREAS, The protection of human life is a compelling state 3
interest; and 4

WHEREAS, Ohio law has long upheld the right of individuals, 5
or their designated representatives, to direct their health care 6
and make medical treatment decisions; and 7

WHEREAS, The American Medical Association (AMA) Code of 8
Medical Ethics acknowledges that medical circumstances can arise 9
where medical professionals determine that a patient's treatment 10
should not continue based on subjective factors, such as quality 11
of life; and 12

WHEREAS, These decisions can put patients at risk of unjust 13
and premature death; and 14

WHEREAS, Disputes over treatment decisions have led to 15
highly publicized legal cases that exact a high cost 16
financially, emotionally, and otherwise, on all parties 17

involved; and 18

WHEREAS, Due to restrictions related to the COVID-19 19
pandemic, some hospitalized patients and senior citizens in 20
various facilities have been isolated, creating unprecedented 21
circumstances where family members cannot directly interact with 22
their loved ones and are unable to reasonably assess their 23
status; and 24

WHEREAS, These scenarios reinforce the General Assembly's 25
duty to vigilantly protect the rights of Ohio residents; and 26

WHEREAS, AMA ethical standards require that medical 27
decision making regarding life-sustaining care be made by the 28
competent patient or the patient's surrogate; and 29

WHEREAS, The fundamental constitutional rights of life and 30
liberty demand that a robust and protective legal due process be 31
guaranteed when a decision to withhold or withdraw life- 32
sustaining treatment is in dispute; and 33

WHEREAS, If notice to withdraw life-sustaining care is 34
contested by a patient's representative, care should not be 35
withdrawn until a full and fair hearing is conducted by an 36
impartial decision maker; and 37

WHEREAS, A just society must err on the side of life and 38
maintain that it is in the best interest of a patient to 39
continue to live and receive the treatment needed to sustain 40
life; now therefore be it 41

RESOLVED, That we, the members of the 134th General 42
Assembly of the State of Ohio, affirm the right of patients and 43
families to direct health care decisions and urge all three 44
branches of state and local governments to affirm this right; 45
and be it further 46

RESOLVED, That we, the members of the 134th General 47

Assembly of the State of Ohio, find that denying the right to 48
life to any person without due process when a decision to 49
withhold or withdraw life-sustaining treatment is in dispute 50
creates irreparable harm and hardship for the person subject to 51
that deprivation, and that it is within the public interest to 52
maintain life-sustaining medical care until a final judgment on 53
withdrawal of care is entered; and be it further 54

RESOLVED, That the Clerk of the House of Representatives 55
transmit duly authenticated copies of this resolution to the 56
Governor and news media of Ohio. 57