As Introduced

134th General Assembly
Regular Session H. C. R. No. 26
2021-2022

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 health care decisions.

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 interest; and

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

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

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

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

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

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

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

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

WHEREAS, If notice to withdraw life-sustaining care is contested by a patient's representative, care should not be withdrawn until a full and fair hearing is conducted by an impartial decision maker; and

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

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

RESOLVED, That we, the members of the 134th General
Assembly of the State of Ohio, find that denying the right to life to any person without due process when a decision to withhold or withdraw life-sustaining treatment is in dispute creates irreparable harm and hardship for the person subject to that deprivation, and that it is within the public interest to maintain life-sustaining medical care until a final judgment on withdrawal of care is entered; and be it further

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