## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2011

S SENATE DRS75061-MG-48 (03/01)

Short Title: DNR Form Signatures. (Public)

Sponsors: Senator Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE SIGNATURE OF AN I

AN ACT TO REQUIRE THE SIGNATURE OF AN INCAPACITATED PATIENT'S GUARDIAN, REPRESENTATIVE, OR FAMILY MEMBER ON A "DO NOT RESUSCITATE" ORDER FORM IN ORDER TO WITHHOLD OR DISCONTINUE LIFE-PROLONGING MEASURES IN THE ABSENCE OF A VALID DECLARATION BY THE PATIENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 90-322(b) reads as rewritten:

- "(b) If a person's condition has been determined to meet the conditions set forth in subsection (a) of this section and no instrument has been executed as provided in G.S. 90-321, then life-prolonging measures may be withheld or discontinued upon the direction and under the supervision of the attending physician with the <u>written and signed</u> concurrence <u>on a do not resuscitate order form</u> of the following persons, in the order indicated:
  - (1) A guardian of the patient's person, or a general guardian with powers over the patient's person, appointed by a court of competent jurisdiction pursuant to Article 5 of Chapter 35A of the General Statutes; provided that, if the patient has a health care agent appointed pursuant to a valid health care power of attorney, the health care agent shall have the right to exercise the authority to the extent granted in the health care power of attorney and to the extent provided in G.S. 32A-19(b) unless the Clerk has suspended the authority of that health care agent in accordance with G.S. 35A-1208(a);
  - (2) A health care agent appointed pursuant to a valid health care power of attorney, to the extent of the authority granted;
  - (3) An attorney-in-fact, with powers to make health care decisions for the patient, appointed by the patient pursuant to Article 1 or Article 2 of Chapter 32A of the General Statutes, to the extent of the authority granted;
  - (4) The patient's spouse;
  - (5) A majority of the patient's reasonably available parents and children who are at least 18 years of age;
  - (6) A majority of the patient's reasonably available siblings who are at least 18 years of age; or
  - (7) An individual who has an established relationship with the patient, who is acting in good faith on behalf of the patient, and who can reliably convey the patient's wishes.



If none of the above is reasonably available then at the discretion of the attending physician the life-prolonging measures may be withheld or discontinued upon the direction and under the supervision of the attending physician."

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**SECTION 2.** This act becomes effective October 1, 2011.

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