

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 357

Short Title: DNR Form Signatures. (Public)

Sponsors: Senators Kinnaird; Graham and Robinson.

Referred to: Judiciary II.

March 17, 2011

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

7 The General Assembly of North Carolina enacts:

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

9 "(b) If a person's condition has been determined to meet the conditions set forth in
10 subsection (a) of this section and no instrument has been executed as provided in G.S. 90-321,
11 then life-prolonging measures may be withheld or discontinued upon the direction and under
12 the supervision of the attending physician with the written and signed concurrence on a do not
13 resuscitate order form of the following persons, in the order indicated:

- 14 (1) A guardian of the patient's person, or a general guardian with powers over
15 the patient's person, appointed by a court of competent jurisdiction pursuant
16 to Article 5 of Chapter 35A of the General Statutes; provided that, if the
17 patient has a health care agent appointed pursuant to a valid health care
18 power of attorney, the health care agent shall have the right to exercise the
19 authority to the extent granted in the health care power of attorney and to the
20 extent provided in G.S. 32A-19(b) unless the Clerk has suspended the
21 authority of that health care agent in accordance with G.S. 35A-1208(a);
22 (2) A health care agent appointed pursuant to a valid health care power of
23 attorney, to the extent of the authority granted;
24 (3) An attorney-in-fact, with powers to make health care decisions for the
25 patient, appointed by the patient pursuant to Article 1 or Article 2 of Chapter
26 32A of the General Statutes, to the extent of the authority granted;
27 (4) The patient's spouse;
28 (5) A majority of the patient's reasonably available parents and children who are
29 at least 18 years of age;
30 (6) A majority of the patient's reasonably available siblings who are at least 18
31 years of age; or
32 (7) An individual who has an established relationship with the patient, who is
33 acting in good faith on behalf of the patient, and who can reliably convey the
34 patient's wishes.

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



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