

HOUSE BILL NO. HB0075

Physicians' orders for life sustaining treatment.

Sponsored by: Representative(s) Gingery and Senator(s)
Dockstader

A BILL

for

1 AN ACT relating to public health; establishing the
2 physician orders for life sustaining treatment program;
3 providing definitions; granting rulemaking authority;
4 providing an appropriation; and providing for an effective
5 date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 35-22-501 through 35-22-506 are
10 created to read:

11

12 ARTICLE 5

13 PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT PROGRAM ACT

14

15 **35-22-501. Short title.**

16

1 This article shall be known and may be cited as the
2 "Physician Orders for Life Sustaining Treatment Program
3 Act."

4

5 **35-22-502. Definitions.**

6

7 (a) As used in this article:

8

9 (i) "Physician Orders for Life-Sustaining
10 Treatment (POLST) Program" means a process of evaluation
11 and communication between a patient, or the patient's
12 agent, guardian or surrogate, and health care professionals
13 to:

14

15 (A) Ensure that the patient, or the
16 patient's agent, guardian or surrogate, understands
17 decisions regarding advance health care directives;

18

19 (B) Convert the patient's goals and
20 preferences for care into a set of medical orders on a
21 POLST form that is portable and complied with by all health
22 professionals across care settings.

23

1 (b) Unless otherwise provided in this article, terms
2 in this article shall have the same meaning as in the
3 Wyoming Health Care Decisions Act.

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5 **35-22-503. POLST form and procedures.**

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7 The director of the department of health shall designate a
8 statewide working group of at least nine (9) individuals
9 representing physicians, nurse practitioners, physicians
10 assistants, hospitals, long-term care facilities, hospice,
11 state and local emergency medical services providers and
12 patient advocates to develop a recommended POLST program
13 protocol, forms for use in a POLST program and POLST
14 program educational and evaluation methodologies for
15 approval by the department.

16
17 **35-22-504. Reliance on authority of POLST form.**

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19 (a) If a patient whose goals and preferences for care
20 have been entered on a valid POLST form is transferred from
21 one health care facility to another, the health care
22 facility initiating the transfer shall communicate the
23 existence of the POLST form to the receiving facility prior
24 to the transfer. The POLST form shall accompany the

1 individual to the receiving facility and shall remain in
2 effect. The POLST form shall be reviewed by the treating
3 health care professional and made into a medical order at
4 the receiving facility unless the POLST form is replaced or
5 voided as provided in this article.

6
7 (b) A health care professional or institution acting
8 in good faith and in accordance with generally accepted
9 health care standards applicable to the health care
10 professional or institution is not subject to civil or
11 criminal liability, or to discipline for unprofessional
12 conduct, for complying with a POLST form and assuming that
13 the orders therein were valid when made and have not been
14 revoked or terminated absent actual notice of revocation or
15 termination.

16
17 (c) An individual acting as agent, guardian or
18 surrogate under the Wyoming Health Care Decisions Act is
19 not subject to civil or criminal liability or to discipline
20 for unprofessional conduct for signing a POLST form or
21 entering medical orders in good faith pursuant to a POLST
22 form.

23
24 **33-22-505. Revocation of consent to POLST form.**

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2 (a) An individual's consent to all or part of a POLST
3 form may be revoked at any time and in any manner that
4 communicates the individual's intent to revoke.

5

6 (b) An agent, guardian or surrogate may revoke
7 consent on behalf of a patient to all or part of a POLST
8 form at any time and in any manner that communicates an
9 intent to revoke.

10

11 (c) A health care professional, agent, guardian or
12 surrogate who is informed of a revocation shall promptly
13 communicate the fact of the revocation to the supervising
14 health care professional and to any health care institution
15 at which the patient is receiving care.

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17 **33-22-506. Implementation, rules.**

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19 The department of health shall, no later than July 1, 2013,
20 adopt rules and regulations to implement this article and
21 shall provide for statewide distribution of standardized
22 POLST forms.

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1 **Section 2.** There is appropriated ten thousand dollars
2 (\$10,000.00) from the general fund to the department of
3 health. This appropriation shall be for the period
4 beginning with the effective date of this act and ending
5 June 30, 2014. This appropriation shall only be expended
6 for the development of rules and regulations implementing
7 the physician orders for life sustaining treatment program
8 created by this act. Notwithstanding any other provision of
9 law, this appropriation shall not be transferred or
10 expended for any other purpose and any unexpended,
11 unobligated funds remaining from this appropriation shall
12 revert as provided by law on June 30, 2014. This
13 appropriation shall not be included in the department's
14 2015-2016 standard biennial budget request.

15

16 **Section 3.** This act is effective July 1, 2012.

17

18 (END)