

FIRST REGULAR SESSION

HOUSE BILL NO. 1246

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES.

2470H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 404.830, RSMo, and to enact in lieu thereof one new section relating to health care decisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 404.830, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 404.830, to read as follows:

404.830. 1. No physician, nurse, or other individual who is a health care provider or an employee of a health care facility shall be required to honor a health care decision of **a patient, a guardian with health care decision-making authority appointed in accordance with chapter 475, an attorney in fact, or other known person who has the legal authority to make health care decisions for the patient** if that decision is contrary to the individual's religious beliefs, or sincerely held moral convictions.

2. No hospital, nursing facility, residential care facility, or other health care facility shall be required to honor a health care decision of an attorney in fact if that decision is contrary to the hospital's or facility's institutional policy based on religious beliefs or sincerely held moral convictions unless the hospital or facility received a copy of the durable power of attorney for health care prior to commencing the current series of treatments or current confinement.

3. Any health care provider or facility which, pursuant to subsection 1 or 2 of this section, refuses to honor a health care decision [of an attorney in fact] shall not impede [the attorney in fact] **the patient or individual authorized to act on the patient's behalf as listed in subsection 1 of this section** from transferring the patient to another health care provider or facility.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **4. Nothing in this section shall relieve or exonerate a health care provider or a**
18 **health care facility from the duty to provide for the health care, care, and comfort of a**
19 **patient pending transfer under this section. If withholding or withdrawing certain health**
20 **care would, in reasonable medical judgment, result in or hasten the death of the patient,**
21 **such health care shall be provided pending completion of the transfer.**

22 **5. Notwithstanding subsections 1 and 2 of this section, if such a health care decision**
23 **directs the provision of life-preserving medical treatment or artificially supplied nutrition**
24 **and hydration to the patient, such life-preserving medical treatment and, if the patient is**
25 **unable to ingest adequate nutrition and hydration through natural means, artificially**
26 **supplied nutrition and hydration shall not be denied to the patient:**

27 **(1) On the basis of a view that treats extending the life of an elderly, disabled, or**
28 **terminally ill individual as of lower value than extending the life of an individual who is**
29 **younger, not disabled, or not terminally ill; or**

30 **(2) On the basis of the physician's or health care provider's disagreement with how**
31 **the patient or individual authorized to act on the patient's behalf values the tradeoff**
32 **between extending the length of the patient's life and the risk of disability.**

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34 **In an action to enforce this subsection, if the patient or individual authorized to act on the**
35 **patient's behalf pleads a prima facie case, the health care provider or facility may defend**
36 **his or her or its actions by pleading a legitimate different reason or reasons that provided**
37 **a basis for the denial of treatment, subject to an opportunity for the patient or individual**
38 **authorized to act on the patient's behalf to plead that the reason or reasons for the denial**
39 **of treatment are being applied differently based on the grounds inscribed in this**
40 **subsection.**

41 **6. As used in this section, "reasonable medical judgment" means a medical**
42 **judgment that would be made by a reasonably prudent physician, knowledgeable about**
43 **the case and the treatment possibilities with respect to the medical conditions involved.**

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