

1 S.179

2 Introduced by Senator Carris

3 Referred to Committee on

4 Date:

5 Subject: Health; advance directives; hospitals

6 Statement of purpose: This bill proposes to require hospitals to provide a  
7 patient with the opportunity to complete an advance directive form or opt out  
8 of completing such form at the time of hospital or emergency room admission.

9 An act relating to advance directive forms during hospital admission

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 18 V.S.A. § 9721 is added to read:

12 § 9721. ADVANCE DIRECTIVE FORM AT HOSPITAL ADMISSION

13 (a) Before admitting an individual as an inpatient or providing services to  
14 an individual in an emergency room, a designated member of the staff of a  
15 hospital licensed pursuant to chapter 43 of this title shall provide the individual  
16 with the opportunity to either:

17 (1) complete an advance directive form that complies with the  
18 provisions of chapter 231 of this title and has been approved by the  
19 commissioner of health; or

1           (2) indicate by a check-box or similar means that the individual wishes  
2 to opt out of completing the advance directive form.

3           (b) A hospital shall supply an advance directive form that complies with  
4 the provisions of chapter 231 of this title and has been approved by the  
5 commissioner of health and shall provide the witnesses necessary to enable an  
6 individual to complete the advance directive.

7           (c)(1) In the case of an individual who lacks capacity at the time of the  
8 hospital or emergency room admission, the designated staff shall follow up  
9 with the individual at such time as the individual regains capacity in order to  
10 provide the opportunity to complete the advance directive form or  
11 affirmatively opt out.

12           (2) In the case of an individual who lacks capacity at the time of the  
13 hospital or emergency room admission and fails to regain capacity while  
14 admitted to the hospital, the requirements of this section shall be waived.

15           (d) Nothing in this section shall be deemed to require an individual to  
16 complete an advance directive form or opt out of completing such form as a  
17 condition of admission to a hospital or emergency room.

18       Sec. 2. 18 V.S.A. § 9703(e) is amended to read:

19           ~~(e) An advance directive shall not be effective if, at the time of execution,~~  
20 ~~the principal is being admitted to or is a patient in a hospital, unless an~~  
21 ~~ombudsman, a recognized member of the clergy, an attorney licensed to~~

1 ~~practice in this state, a probate court designee, or an individual designated~~  
2 ~~under subsection 9709(c) of this title by the hospital signs a statement that he~~  
3 ~~or she has explained the nature and effect of the advance directive to the~~  
4 ~~principal. [Repealed.]~~

5 Sec. 3. 18 V.S.A. § 9709(c) is amended to read:

6 (c) Every hospital shall designate an adequate number of individuals to  
7 explain the nature and effect of an advance directive to patients, and to witness  
8 their signatures, as required by ~~subsection 9703(e)~~ section 9721 of this title.