

**Proposed Substitute
Bill No. 5159**

LCO No. 3102

**AN ACT CONCERNING THE RECOMMENDATIONS OF THE
DEPARTMENT OF DEVELOPMENTAL SERVICES REGARDING
OVERSIGHT OF EMERGENCY MEDICAL CARE AND END-OF-LIFE
PLANNING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 17a-238 of the 2018 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2018*):

4 (g) The commissioner's oversight and monitoring of the medical
5 care of persons placed or treated under the direction of the
6 commissioner does not include the authority to make treatment
7 decisions, except in limited circumstances in accordance with statutory
8 procedures. In the exercise of such oversight and monitoring
9 responsibilities, the commissioner shall not impede or seek to impede a
10 properly executed medical order to withhold cardiopulmonary
11 resuscitation. For purposes of this subsection, "properly executed
12 medical order to withhold cardiopulmonary resuscitation" (1) means
13 [(1)] (A) a written order by the attending physician or advanced
14 practice registered nurse; [(2)] (B) in consultation and with the consent
15 of the patient or a person authorized by law; [(3)] (C) when the
16 attending physician or advanced practice registered nurse is of the
17 opinion that the patient is in a terminal condition, as defined in section
18 19a-570; [, which condition will result in death within days or weeks;]
19 and [(4)] (D) when such physician or advanced practice registered
20 nurse has requested and obtained a second opinion from a Connecticut
21 licensed physician or advanced practice registered nurse in the

22 appropriate specialty that confirms the patient's terminal condition;
23 and (2) includes the entry of such an order when the attending
24 physician or advanced practice registered nurse (A) is of the opinion
25 that the patient is in the final stage of a terminal condition but cannot
26 state that the patient may be expected to expire during the next several
27 days or weeks, or [] (B) in consultation with a physician qualified to
28 make a neurological diagnosis, deems the patient to be permanently
29 unconscious, provided the commissioner has reviewed the decision
30 with the department's director of [community medical services] health
31 and clinical services, or such director's designee, the [family and
32 guardian] legal representative of the patient and others whom the
33 commissioner deems appropriate, and determines that the order is a
34 medically acceptable decision. The provisions of this subsection shall
35 not apply to individuals with a legally valid advance directive.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	17a-238(g)