

Session of 2016

SENATE BILL No. 437

By Committee on Federal and State Affairs

2-10

1 AN ACT concerning health care; dealing with withholding life-sustaining
2 treatment of certain persons.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) This act shall be known and may be cited as "Simon's
6 Law."

7 (b) Upon the request of a patient or resident or a prospective patient
8 or resident, a health care facility, nursing home or physician shall disclose
9 in writing any policies relating to a patient or resident or the services a
10 patient or resident may receive involving life-sustaining or non-beneficial
11 treatment within the health care facility or agency.

12 (c) No health care facility, nursing home, physician, nurse or medical
13 staff shall withhold life-sustaining procedures, food, medication or
14 nutrition, nor place any restrictions on life-sustaining procedures
15 including, but not limited to, food, medication or nutrition for any patient,
16 resident or ward under 18 years of age without the written permission of at
17 least one parent or legal guardian of the patient or ward.

18 (d) No do-not-resuscitate order or similar physician's order shall be
19 instituted either orally or in writing without the written permission of at
20 least one parent or legal guardian of the patient or resident under 18 years
21 of age or prospective patient or resident under 18 years of age.

22 (e) Nothing in this act shall require a health care facility, nursing
23 home or physician to have a written policy relating to or involving life-
24 sustaining or non-beneficial treatment for patients under 18 years of age or
25 adult patients, residents or wards.

26 Sec. 2. This act shall take effect and be in force from and after its
27 publication in the statute book.

treatment, including any policies related to healthcare
deemed futile, inappropriate or non-beneficial,

Subject to subsection (f), the requirements for written permission in subsections (c) and (d) shall not apply if providing resuscitation or food, medication or nutrition would be:

(1) Futile because, in reasonable medical judgment, withholding resuscitation or food, medication or nutrition would not cause or hasten the death of the patient; or

(2) medically inappropriate because, in reasonable medical judgment, providing resuscitation or food, medication or nutrition would create a greater risk of causing or hastening the death of the patient than withholding resuscitation or food, medication or nutrition.

(f) Subsection (e) may be implemented so long as a reasonably diligent effort has been made to contact at least one parent or legal guardian who, if contacted, has been informed of the planned withholding of food, medication or nutrition or do-not-resuscitate order, and the healthcare provider has cooperated with the parent or legal guardian's efforts to obtain other medical opinions or a transfer of the patient to a provider selected by the parent or guardian, if so requested.

(g)

(h) For purposes of this act, procedures, food, medication or nutrition are "life-sustaining" if, in reasonable medical judgment, the withdrawal or withholding of such procedures, food, medication or nutrition would result in or hasten the death of the patient.

(i) For purposes of this act, "reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.