

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.

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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.

Permission previously given under subsections (c) or (d) may be revoked in writing by the legal guardian or either parent of the patient. If the parents are unable to agree, either parent may petition a district court of the county in which the patient resides or in which the patient is receiving treatment to resolve the conflict based on a presumption in favor of the provision of life-sustaining procedures, food, medication, nutrition and resuscitation unless there is clear and convincing evidence that such provision is contrary to the best interests of the child. The district court shall proceed in accordance with the first two sentences of K.S.A. 59-3057, and amendments thereto, except that the petition need not conform to the specific provisions of K.S.A. 59-3056, and amendments thereto. In the court's discretion, a trial may be conducted in a courtroom, a treatment facility, or at some other suitable place. Pending the final outcome of such proceedings, including any appeals, no permission under subsections (c) or (d) may be implemented.

(f)