

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7162**

**BILL NUMBER:** HB 1458

**NOTE PREPARED:** Mar 9, 2023

**BILL AMENDED:** Mar 9, 2023

**SUBJECT:** Doctor Scope of Treatment and Do Not Resuscitate.

**FIRST AUTHOR:** Rep. Barrett

**FIRST SPONSOR:** Sen. Johnson

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:**     **GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** No Fiscal Impact

**Summary of Legislation:** The bill provides that a declarant may include a person for whom a proxy has executed an out of hospital do not resuscitate (DNR) declaration if the person:

- (1) is at least 18 years of age and is certified as a qualified person;
- (2) is incapacitated or incompetent; and
- (3) has no representative who is able and available to execute an out of hospital DNR declaration.

It defines "incapacitated" as related to an out of hospital DNR declaration. The bill defines "proxy" as related to an out of hospital DNR declaration and a physician order for scope of treatment (POST).

It also provides that a person's proxy may execute an out of hospital DNR declaration if certain conditions are met. The bill also creates a declaration and order form to be used by hospitals if the declarant is incapacitated or incompetent. It allows a qualified person's proxy to complete a POST form if the person is incapable of making health care decisions and no representative is able and available to act.

The bill allows a proxy to revoke a POST form or request alternative treatment. It provides that if alternative treatment is requested, the treating medical provider shall review the POST form with the declarant, the declarant's representative, or the proxy who has priority to act for the declarant. It makes conforming changes.

**Effective Date:** July 1, 2023.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:**

**Information Sources:**

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