

Summary of Legislation to enact Physician Orders for Scope of Treatment (POST)

The purpose of these bills is to establish the law for the POST medical decision-making program. The package is necessary both to remove barriers and limitations that exist in current law and to establish law where there currently is none.

House Bills 5479-5482.

Legislative development and advocacy team: Ascension Health, Burcham Hills CCRC, Elder Law and Disability Rights Section – Michigan State Bar, EMS & Trauma Section, Health Care Association of Michigan, Honoring Healthcare Choices – Michigan, Hospice and Palliative Care Association of Michigan, Hospice at Home, Michigan Academy of Family Physicians, Michigan Catholic Conference, Michigan Center for Assisted Living, Michigan Health and Hospital Association, Michigan Osteopathic Association, Michigan State Medical Society, Munson Health System, Right to Life of Michigan, Upper Peninsula Health Plan

1. HB 5482 Physician Orders for Scope of Treatment

Sponsors: Representatives Jim Tedder (primary), Laura Cox, Michael Webber, Lisa Lyons, Amanda Price, Mike Callton, Joseph Graves, Gary Glenn, Lee Chatfield, Tom Cochran, Bill LaVoy, Ed Canfield, Martin Howrylak

The Department of Health and Human Services shall convene an ad hoc advisory committee to create a standard POST form and procedures, within 90 days after the effective date for this act.

- Within 180 days of convening, the committee shall make recommendations to the department:
 - There shall be a single, standardized POST form.
 - Procedures for use of the form in various facilities
 - The circumstances under which a photocopy, facsimile or digital image of a completed POST form is considered valid.
- The standardized POST form shall include:
 - Patient identifier information.
 - Diagnosis or health conditions relevant to the medical orders.
 - Name and signature of patient or patient representative. Patient representative is defined as a Patient Advocate or court-appointed Guardian.
 - Name and signature of Physician, Nurse Practitioner or Physician's Assistant. NP or PA must be acting within his/her scope of practice under supervision of a physician.
 - Medical orders and ability to reaffirm orders.
 - Any portion of the medical orders left blank implies full treatment for those treatment options and does not invalidate the form.
 - POST is valid for one year and can be renewed by initialing.
 - Patient retains original form, health professional maintains a copy in the medical record.
- Circumstances for revoking a POST form:

- Patient may revoke at any time.
 - Patient representative at any time he/she deems order to be inconsistent with patient's wishes or best interests.
 - Health professional who signed the form may revoke if a change in the patient's medical condition makes the medical orders contrary to the accepted standard of care.
- In an Acute Care setting, a completed POST is a communication tool.
 - Emergency Medical Services shall provide or withhold services as according to the orders on a POST form unless the injuries or medical condition are unrelated to the diagnosis or condition that is indicated on the POST form; or medical treatment request on the POST form is contrary to medical standards or protocols.
 - Health professional or facility unwilling to comply with POST orders shall take reasonable steps to transfer the patient's care to another professional/facility.
 - Health professional, EMS providers, organizations are not liable for providing treatment: contrary to the POST in the absence of the form; consistent with the POST in the absence of notice that the form was revoked; consistent with the medical standard of care.
 - POST is assumed to express the patient's current desires regarding medical treatment over a previously completed advance directive or DNR order.
 - If a person has reason to believe the POST has been executed contrary to the patient's desires or interest, that person may petition a court to determine validity of POST.
 - Life insurer cannot discriminate because of the presence of a POST.
 - Completion of a POST form does not create a presumption that the individual would consent to or refuse medical care not indicated on the form.
 - Execution of POST cannot be required; it is voluntary.
 - Medical Control Authority shall establish written EMS protocols pursuant to this act.
2. **HB 5481 (Rep. Cox)** Amends the Estates and Protected Individuals Code to include of Physician Orders for Scope of Treatment. A guardian may execute, reaffirm and revoke a POST on behalf of a ward.
 3. **HB 5480 (Rep. Callton)** Amends the Adult Foster Care Licensing Act to include POST. An adult foster care facility shall comply with the medical orders on a validly executed POST form.
 4. **HB 5479 (Rep. Cochran)** Amends the Do Not Resuscitate Procedures Act to include POST. If a validly executed POST form and a validly executed out-of-hospital do-not-resuscitate order conflict, the healthcare professional shall comply with the most recent order.