DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2010 session. The unannotated South Carolina Code, consisting only of Code text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.gov regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 78.

 EMERGENCY SERVICES NON‑RESUSCITATION ORDER

**SECTION 44‑78‑10.** Short title.

This chapter may be cited as the Emergency Medical Services Do Not Resuscitate Order Act.

**SECTION 44‑78‑15.** Definitions.

As used in this chapter:

(1) “Do not resuscitate order for emergency services” means a document made in accordance with this article to prevent EMS personnel from employing resuscitative measures or any other medical process that would only extend the patient’s suffering with no viable medical reason to perform the procedure;

(2) “EMS personnel” means emergency medical personnel certified by the South Carolina Department of Health and Environmental Control, and for purposes of this chapter, “EMS personnel” includes first responders who have completed a Department of Health and Environmental Control approved medical first responder program;

(3) “Health care provider” means a person licensed to practice medicine or osteopathy pursuant to Title 40, Chapter 47;

(4) “Palliative treatment” means the degree of treatment which must be provided to a patient in the routine delivery of emergency medical services, which assures the comfort and alleviation of pain and suffering to all extents possible, regardless of whether the patient has executed a document as provided for in this chapter;

(5) “Resuscitative treatment” means artificial stimulation of the cardiopulmonary systems of the human body, through either electrical, mechanical, or manual means including, but not limited to, cardiopulmonary resuscitation;

(6) “Terminal condition” means an incurable or irreversible condition that within reasonable medical judgment could cause death within a reasonably short period of time if life sustaining procedures are not used.

**SECTION 44‑78‑20.** Terminal patient may request health care provider to execute “do not resuscitate order for emergency services”; conditions.

A patient who has a terminal condition or a surrogate for a patient with a terminal condition under the Adult Health Care Consent Act or an agent of a person with a terminal condition named by the patient in a Health Care Power of Attorney may request a health care provider responsible for the care of the patient to execute a “do not resuscitate order for emergency services” if the following conditions apply:

(1) the patient has a terminal condition;

(2) the terminal condition has been diagnosed by a health care provider and the health care provider’s record establishes the time, date, and medical condition which gives rise to the diagnosis of a terminal condition.

**SECTION 44‑78‑25.** Duties of EMS personnel when presented with “do not resuscitate order”.

When called to render emergency medical services, EMS personnel must not use any resuscitative treatment if the patient has a “do not resuscitate order for emergency services” and the document is presented to the EMS personnel upon their arrival. EMS personnel must provide that degree of palliative care called for under the circumstances which exist at the time treatment is rendered.

**SECTION 44‑78‑30.** Required form for “do not resuscitate order”; revocation procedure.

A document purporting to be a “do not resuscitate order” for EMS purposes must be in substantially the following form:

NOTICE TO EMS PERSONNEL

This notice is to inform all emergency medical personnel who may be called to render assistance to \_\_\_\_\_\_\_\_\_\_ he/she has a terminal condition which has been diagnosed by me and has specifically requested that no resuscitative efforts including artificial stimulation of the cardiopulmonary system by electrical, mechanical, or manual means be made in the event of cardiopulmonary arrest.

REVOCATION PROCEDURE

THIS FORM MAY BE REVOKED BY AN ORAL STATEMENT BY THE PATIENT TO EMS PERSONNEL OR BY MUTILATING, OBLITERATING, OR DESTROYING THE DOCUMENT IN ANY MANNER.

Date:\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Patient’s signature (or surrogate or agent)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Physician’s signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Physician’s address

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Physician’s telephone number

**SECTION 44‑78‑35.** Liability of health care provider or EMS personnel regarding “do not resuscitate order”.

No health care provider or EMS personnel is liable for any damages or may be the subject of disciplinary proceedings or may be subject to civil or criminal liability due to:

(1) issuing a “do not resuscitate order for emergency medical services”;

(2) good faith reliance on a “do not resuscitate order for emergency medical services” resulting in:

(a) the withholding of resuscitative treatment; or

(b) the withholding of resuscitative treatment already in progress once a duly executed “do not resuscitate order for emergency medical services” is identified;

(3) initiating resuscitative treatment on a “do not resuscitate patient” if EMS personnel were unaware of the existence of the order or if EMS personnel reasonably and in good faith believed the “do not resuscitate order” had been cancelled or revoked; or

(4) initiating resuscitative treatment on a “do not resuscitate patient” where in the best medical judgment of EMS personnel, the care was necessary to relieve pain or suffering or to provide comfort care to the patient.

**SECTION 44‑78‑40.** Full resuscitative measures required in absence of order.

In the absence of a “do not resuscitate order for emergency medical services”, EMS personnel shall give full resuscitative measures as are medically indicated in all cases.

**SECTION 44‑78‑45.** Health care provider or EMS personnel must honor order or transfer care of patient.

A health care provider and an EMS personnel shall follow the request of the patient and must not provide resuscitative measures when the patient has a “do not resuscitate order for emergency medical services”. A health care provider or EMS personnel who cannot honor the order must immediately transfer care of the patient to an EMS personnel or health care provider who will honor the order.

**SECTION 44‑78‑50.** Chapter not condonation of mercy killing; minors ineligible for “do not resuscitate orders”; compliance with article not suicide.

(A) Nothing in this chapter may be construed to condone, authorize, or approve mercy killing or euthanasia or to permit any affirmative action or deliberate act to end life other than to allow the natural process of dying.

(B) No person under the age of eighteen years may request or receive a “do not resuscitate order for emergency medical services” as provided for in this article.

(C) The withholding of resuscitative measures pursuant to this article does not constitute suicide for any purpose.

**SECTION 44‑78‑60.** Means of revocation of “do not resuscitate order”.

A “do not resuscitate order for emergency services” may be revoked by an oral statement by the patient to EMS personnel or by mutilating, obliterating, or destroying the document in any manner.

**SECTION 44‑78‑65.** Regulations to provide direction to emergency personnel in identifying patients having “do not resuscitate orders”.

The South Carolina Department of Health and Environmental Control shall promulgate regulations necessary to provide direction to emergency personnel in identifying patients who have a “do not resuscitate order for emergency services”.