

1 HB173
2 115996-1
3 By Representative Millican
4 RFD: Health
5 First Read: 12-JAN-10

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8 SYNOPSIS: Existing law does not provide a procedure
9 for a course of action before and after a
10 ventilator has been disconnected from a patient.

11 This bill would establish the Patients'
12 Ventilator Bill of Rights Act relating to the
13 disconnection of a ventilator from a person.

14 This bill would provide a procedure for a
15 course of action before and after a ventilator has
16 been disconnected from a patient.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 Relating to ventilators; establishing the Patients'
23 Bill of Rights relating to the disconnection of a ventilator
24 from a person; and providing a procedure for a course of
25 action before and after a ventilator has been disconnected
26 from a patient.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. This act may be cited as the Patients'
2 Ventilator Bill of Rights Act.

3 Section 2. As used in this act, the following words
4 shall have the following meanings:

5 (1) MEDICAL FACILITY. A facility which provides or
6 allows medical services to be provided to a person.

7 (2) MEDICAL PROVIDER. Any person or facility that
8 provides medical services to a person.

9 (3) VENTILATOR. A machine that assists or replaces
10 the spontaneous breathing of a person.

11 Section 3. (a) As part of the ventilator
12 disconnection process each medical provider and medical
13 facility shall do all of the following:

14 (1) Provide in-depth information explaining the
15 ventilator disconnection process to the immediate family of
16 the patient.

17 (2) If nurses assist in the disconnection process,
18 the nurses shall have prior training in the ventilator
19 disconnection process and in securing medication and equipment
20 for the patient.

21 (3) Provide the patient and his or her family or
22 caregiver a private room for the duration of the ventilator
23 disconnection process.

24 (4) Ensure that all orders relating to the
25 disconnection process are listed in the current record chart
26 of the patient available at the commencement of the

1 disconnection process and all orders relating to the
2 disconnection process are listed on the chart.

3 (5) Ensure the patient receive all prescribed
4 medication including oxygen, to minimize the patient from
5 being in distress during and after the disconnection of the
6 ventilator.

7 (6) Ensure that the medication and equipment are
8 working correctly, before the patient and his or her family
9 entered the room where the disconnection process will be
10 performed.

11 (7) Ensure that the patient is monitored on a
12 regular basis by a physician or nurse during the disconnection
13 process.

14 (8) Notify a chaplain or the spiritual advisor of
15 the patient or his or her immediate family or caregiver before
16 the disconnection process is commenced.

17 (9) Provide a copy of this act to the patient or his
18 or her immediate family or caregiver.

19 (b) A medical provider or medical facility who
20 violates this section shall be subject to a civil monetary
21 penalty of not more than one thousand dollars (\$1,000) for
22 each violation to be assessed by the professional licensing
23 board of the medical provider or facility after notice and a
24 hearing and may be subject to other appropriate discipline by
25 the professional licensing board of the medical provider or
26 medical facility.

1 Section 4. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.