

1 HB373
2 182155-1
3 By Representatives Weaver and McCutcheon
4 RFD: Health
5 First Read: 07-MAR-17

8 SYNOPSIS: Under existing law, an adult may execute an
9 advance directive for health care.

10 This bill would create the Alex Hoover Act.

11 This bill would provide for portable medical
12 orders to be created by the parent or guardian of a
13 minor with a chronic or terminal illness, in
14 consultation with the minor's treating physician,
15 to guide health care professionals in medical
16 treatment and guide others outside the medical
17 community in allowing the minor to participate in
18 school and other activities, in accordance with the
19 wishes of the minor and his or her parents or
20 guardians.

21 This bill would provide civil and criminal
22 immunity to individuals, health care providers,
23 health care facilities, schools, organizations, and
24 other entities who undertake to follow the
25 directives of a portable medical order in good
26 faith.

1 This bill would also define terms and
2 provide procedures for executing portable medical
3 orders.

4
5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 To create the Alex Hoover Act; relating to
10 chronically or terminally ill minors; to provide for portable
11 medical orders to be created by the parent or guardian of a
12 minor with a chronic or terminal illness, in consultation with
13 the minor's treating physician, to guide health care
14 professionals in medical treatment and guide others outside
15 the medical community in allowing the minor to participate in
16 school and other activities, in accordance with the wishes of
17 the minor and his or her parents or guardians; to provide
18 civil and criminal immunity to individuals, health care
19 providers, health care facilities, schools, organizations, and
20 other entities who undertake to follow the directives of a
21 portable medical order in good faith; and to define terms and
22 provide procedures for executing portable medical orders.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. This act shall be known and may be cited
25 as the Alex Hoover Act.

26 Section 2. It is the intent of this act to:

1 (1) Recognize the needs, comfort, well-being, and
2 dignity of a minor who is chronically or terminally ill as it
3 relates to the health care provided to the minor and his or
4 her ability to enjoy partaking in activities to the fullest
5 extent possible.

6 (2) Allow a parent or legal guardian of a
7 chronically or terminally ill minor to execute a portable
8 medical order to guide health care professionals in medical
9 treatment, as well as those outside the medical community in
10 allowing the minor to participate in school and other
11 activities.

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

14 (1) CHRONIC OR TERMINAL ILLNESS. Any of the
15 following:

16 a. An advanced chronic progressive illness.

17 b. A condition caused by injury, disease, or illness
18 from which, to a reasonable degree of medical certainty, there
19 can be no recovery, and death will occur from the condition
20 within a short period without the provision of life prolonging
21 procedures.

22 (2) MINOR. An individual ranging in age from birth
23 until the age of 19. The term does not include an individual
24 between 14 and 18 years of age who may legally give consent
25 pursuant to Section 22-8-4, Code of Alabama 1975, and has the
26 physical and mental capacity to give consent.

1 (3) PORTABLE MEDICAL ORDER (PMO). A directive
2 executed by a representative or representatives of a
3 chronically or terminally ill minor, along with the minor's
4 treating physician, that details the medical treatment and
5 expectations of care from medical professionals and others
6 outside the medical community.

7 (4) REPRESENTATIVE. Either of the following:

- 8 a. The parent of a minor.
9 b. The legal guardian of a minor.

10 Section 4. (a) The representative or representatives
11 of a minor who has been diagnosed with a chronic or terminal
12 illness, along with the minor's treating physician, may
13 execute a portable medical order according to this section.

14 (b) A PMO form must be completed by a representative
15 in consultation with the minor's physician. To the extent
16 possible depending on the age, maturity, and physical and
17 mental ability to consent, the minor shall be consulted when
18 completing the PMO form. The form shall contain all of the
19 following information:

20 (1) The minor's medical history and prognosis.

21 (2) A range of appropriate medical treatment orders.

22 (3) Comfort measures.

23 (4) A narrative description of the minor's desires
24 for participating in activities in the community, including
25 activities at school during school hours and after school and
26 any other organizations or activities in which the minor
27 participates.

1 (5) The family's values and goals taking into
2 consideration the desired quality of life of the minor.

3 (c) A PMO is executed when the form is completed and
4 signed and dated by all legal representatives of the minor and
5 the treating physician.

6 (d) The representative shall keep the original
7 executed PMO. The form shall be considered the personal
8 property of the representative. The treating physician who
9 executes the PMO form shall maintain a copy in the minor's
10 medical records.

11 (e) An individual, health care provider, health care
12 facility, school, organization, or other entity shall treat a
13 facsimile, paper, or electronic copy of an executed PMO as an
14 original document.

15 (f) A representative may revoke an executed PMO at
16 any time by signing and dating a writing.

17 Section 5. (a) The medical orders and other
18 directives included in a PMO executed under this act are
19 effective in all settings.

20 (b) A health care provider or health care facility
21 shall comply with the medical orders of an executed PMO that
22 are apparent and immediately available to the provider.

23 (c) Outside of the medical community, a
24 representative shall be responsible for providing individuals,
25 schools, organizations, and other entities with a copy of an
26 executed PMO. To the extent possible, a school, organization,
27 or other entity shall follow the directives of an executed PMO

1 when determining whether and to what extent the minor may
2 participate in activities.

3 Section 6. (a) An individual, health care provider,
4 health care facility, school, organization, or other entity
5 acting in good faith and in reasonable accordance with the
6 directives in an executed PMO in compliance with this act is
7 not subject to criminal or civil liability and may not be
8 found to have committed an act of unprofessional conduct.

9 (b) An individual, health care provider, health care
10 facility, school, organization, or an entity acting in good
11 faith may not be considered to have knowledge of a PMO form
12 solely on the basis of the PMO form's entry into a medical
13 record.

14 Section 7. The Department of Public Health shall
15 develop a standard PMO form.

16 Section 8. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.