

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

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

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

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

a. An advanced chronic progressive illness.

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

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

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

(4) REPRESENTATIVE. Either of the following:

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

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

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

- (1) The minor's medical history and prognosis.
- (2) A range of appropriate medical treatment orders.
- (3) Comfort measures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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