



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** S.B. 165 of the 131st G.A.

**Date:** May 9, 2016

**Status:** As Passed by the Senate

**Sponsor:** Sen. Lehner

**Local Impact Statement Procedure Required:** No

**Contents:** Establishes procedures for the use of medical orders for life-sustaining treatment and makes changes to the laws governing do not resuscitate (DNR) identification and orders

### State Fiscal Highlights

- The Ohio Department of Health could experience an increase in administrative costs to make a version of the medical orders for life-sustaining treatment (MOLST) form available on the Department's website and for costs associated with a task force to perform a five-year review of MOLST.
- The Ohio Department of Public Safety may have administrative costs to develop a training course relating to MOLST procedures for emergency medical services personnel.

### Local Fiscal Highlights

- Public hospitals could experience cost savings since the MOLST form provides various instructions regarding a patient's care on one standard form.
- Local public emergency medical service departments will likely have training costs relating to MOLST procedures.

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## Detailed Fiscal Analysis

### Medical orders for life-sustaining treatment

The bill generally provides for the establishment of procedures for the use of medical orders for life-sustaining treatment (MOLST). The bill authorizes a physician, physician assistant, certified nurse practitioner, or clinical nurse specialist, with the consent of the patient or the patient's proxy, to issue MOLST for a patient of any age. The bill specifies a model MOLST form that an issuing practitioner may use to document the patient's medical orders for life-sustaining treatment. Under the bill, the Ohio Department of Health (ODH) is required to make a version of the MOLST form available free of charge on ODH's website for downloading purposes.

A completed MOLST form is required to be placed in the medical record of the patient and a copy of the form to be sent to any facility that receives the patient. Additionally, an emergency services department or unit is required to retain a copy of the patient's form after the patient is treated or transferred through its facility. In an emergency situation, emergency services personnel are not required to search a person to determine if the person is the subject of a MOLST form and grants immunity to the personnel despite not knowing the person is the subject of a form. The bill also grants immunity to a health care facility, health care professional, or emergency services person who acts in good faith and in accordance with a valid MOLST form and the bill's provisions governing medical orders for life-sustaining treatment.

The bill prohibits the completion of a MOLST form from being used to discriminate against a person for purposes of health care treatment or life or health care insurance. Additionally, the patient's attending physician, the health care facility, or an employee of the physician or health care facility may refuse to comply with MOLST instructions on the basis of conscience.

The bill also requires ODH to appoint a MOLST task force to perform a five-year review of MOLST and the MOLST form. The bill specifies that members of the task force will serve without compensation, though they may be reimbursed for necessary expenses.

### **Do-not-resuscitate orders**

The bill also provides for the gradual elimination of do-not-resuscitate (DNR) orders by specifying that the existing DNR protocol adopted by ODH is effective only for DNR orders issued before six months after the bill's effective date. Additionally, the bill specifies that the criteria for determining when a DNR order is current apply only to orders issued before that date.

### **Fiscal impact**

ODH could experience an increase in administrative costs to provide a version of the MOLST form on its website and for possible administrative costs and travel reimbursements relating to the MOLST task force. According to the Ohio Hospital Association, public hospitals could experience cost savings since the MOLST form provides various instructions regarding a patient's care on one standard form.

The Ohio Department of Public Safety may have administrative costs to develop a training course relating to MOLST procedures for emergency medical services personnel. Additionally, public emergency medical service departments will likely have training costs relating to MOLST procedures. According to the Department, the costs will depend on the training course specifics, such as the length of the training course, whether the training is available online or if personnel are required to attend training in a classroom setting, and whether the training will be conducted when personnel are on duty.