

1 A bill to be entitled
2 An act relating to patient-directed medical orders;
3 amending s. 765.101, F.S.; revising definitions and
4 defining the term "patient-directed medical order";
5 amending s. 765.102, F.S.; revising legislative
6 findings and intent; creating s. 765.3041, F.S.;
7 authorizing the execution of a patient-directed
8 medical order for a specified purpose; providing
9 requirements for valid patient-directed medical
10 orders; authorizing the use of telehealth for a
11 specified purpose; requiring that certain health care
12 services be provided to the principal regardless of
13 the decision to withhold or withdraw life-prolonging
14 procedures; authorizing physicians, physician
15 assistants, and advanced practice registered nurses to
16 withhold or withdraw life-prolonging procedures under
17 certain circumstances without penalty; providing
18 construction; amending ss. 395.1041, 400.142, 400.487,
19 400.605, 400.6095, 400.611, 401.35, 401.45, 429.255,
20 429.73, 744.4431, 752.001, 765.110, 765.204, 765.205,
21 and 765.305, F.S.; conforming cross-references and
22 provisions to changes made by the act; requiring the
23 Agency for Health Care Administration to create and
24 update a database for the storage of patient-directed
25 medical orders; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsections (15) through (22) of section 765.101, Florida Statutes, are redesignated as subsections (16) through (23), respectively, a new subsection (15) is added to that section, and subsections (1) and (7) of that section are amended, to read:

765.101 Definitions.—As used in this chapter:

(1) "Advance directive" means a witnessed written document or oral statement in which instructions are given by a principal or in which the principal's desires are expressed concerning any aspect of the principal's health care or health information, and includes, but is not limited to, the designation of a health care surrogate, a living will, or an anatomical gift made pursuant to part V of this chapter. An advance directive may also include a patient-directed medical order.

(7) "Health care facility" means a hospital, nursing home, hospice, home health agency, or health maintenance organization licensed in this state; a, or any facility subject to part I of chapter 394; or an assisted living facility or adult family-care home licensed under chapter 429.

(15) "Patient-directed medical order" means a medical order created by the principal in collaboration with a physician, a physician assistant, or an advanced practice

51 registered nurse registered under s. 464.0123 which is portable
52 across health care settings and accessible in a voluntary online
53 registry.

54 **Section 2. Subsection (6) of section 765.102, Florida**
55 **Statutes, is amended to read:**

56 765.102 Legislative findings and intent.—

57 (6) For purposes of this chapter:

58 (a) Palliative care is the comprehensive management of the
59 physical, psychological, social, spiritual, and existential
60 needs of patients. Palliative care is especially suited to the
61 care of persons who have incurable or~~r~~ progressive illnesses.

62 (b) Palliative care may ~~must~~ include:

63 1. An opportunity to discuss and plan for end-of-life
64 care.

65 2. Assurance that physical and mental suffering will be
66 carefully attended to.

67 3. Assurance that preferences for withholding and
68 withdrawing life-sustaining interventions will be honored.

69 4. Assurance that the personal goals of the dying person
70 will be addressed.

71 5. Assurance that the dignity of the dying person will be
72 a priority.

73 6. Assurance that health care providers will not abandon
74 the dying person.

75 7. Assurance that the burden to family and others will be

76 addressed.

77 8. Assurance that advance directives for care, orders not
78 to resuscitate executed pursuant to s. 401.45, and patient-
79 directed medical orders executed pursuant to s. 765.3041 will be
80 respected regardless of the location of care.

81 9. Assurance that organizational mechanisms are in place
82 to evaluate the availability and quality of end-of-life,
83 palliative, and hospice care services, including the evaluation
84 of administrative and regulatory barriers.

85 10. Assurance that necessary health care services will be
86 provided and that relevant reimbursement policies are available.

87 11. Assurance that the goals expressed in subparagraphs
88 1.-10. will be accomplished in a culturally appropriate manner.

89 **Section 3. Section 765.3041, Florida Statutes, is created**
90 **to read:**

91 765.3041 Patient-directed medical orders.—

92 (1) To facilitate a principal's instructions concerning
93 treatment preferences, a patient-directed medical order may be
94 executed in advance to direct the actions of health care
95 providers and health care facilities.

96 (2) A valid patient-directed medical order must:

97 (a) Be on a form adopted by rule of the Department of
98 Health and may be combined with an order not to resuscitate
99 executed pursuant to s. 401.45. The form must:

100 1. Address medical interventions to be withheld or

101 withdrawn when the application of life-prolonging procedures
102 would serve only to prolong artificially the process of dying.

103 2. Be signed by the principal and the principal's
104 physician, physician assistant, or advanced practice registered
105 nurse registered under s. 464.0123.

106 a. If the principal is physically unable to sign the form,
107 the physician, physician assistant, or advanced practice
108 registered nurse present at the discussion as required by
109 subparagraph (b)1. may subscribe the principal's signature in
110 the principal's presence and at the principal's direction. If
111 telehealth is used, the physician, physician assistant, or
112 advanced practice registered nurse may be present at either
113 location where telehealth is being administered.

114 b. If the principal is incapacitated, the form may be
115 signed by the principal's health care surrogate or proxy, court-
116 appointed guardian as provided in chapter 744, or attorney in
117 fact under a durable power of attorney as provided in chapter
118 709. The court-appointed guardian or attorney in fact must be
119 delegated authority to make health care decisions on behalf of
120 the principal.

121 c. All signatures may be electronic signatures.

122 (b) Clearly express the principal's preferences and
123 instructions for care, which may include all treatments
124 available, modified treatments that are not prolonged or
125 burdensome, or comfort measures that do not pursue or continue

126 interventions.

127 1. The principal and a physician, a physician assistant,
128 or an advanced practice registered nurse registered under s.
129 464.0123 must discuss the principal's medical treatment wishes
130 relating to medical interventions to be withheld or withdrawn
131 based on the principal's values and preferences in the event the
132 principal becomes unable to make her or his own decisions.

133 2. The discussion must be in person and may be conducted
134 using telehealth.

135 (3) Regardless of the decision to withhold or withdraw
136 life-prolonging procedures, necessary health care services must
137 be provided for the care and comfort of the principal or to
138 alleviate pain.

139 (4) A physician, a physician assistant, or an advanced
140 practice registered nurse registered under s. 464.0123 may
141 withhold or withdraw cardiopulmonary resuscitation or other
142 life-prolonging procedures if presented with an order not to
143 resuscitate executed pursuant to s. 401.45 or a patient-directed
144 medical order executed pursuant to this section which contains
145 an order not to resuscitate or an order to withhold or withdraw
146 life-prolonging procedures. A physician, a physician assistant,
147 or an advanced practice registered nurse registered under s.
148 464.0123 is not subject to any disciplinary action under s.
149 456.072 or criminal prosecution or civil liability, or
150 considered to have engaged in negligent or unprofessional

151 conduct, for withholding or withdrawing cardiopulmonary
152 resuscitation or other life-prolonging procedures pursuant to
153 such orders. The absence of an order not to resuscitate executed
154 pursuant to s. 401.45 or a patient-directed medical order
155 executed pursuant to this section does not preclude a physician,
156 a physician assistant, or an advanced practice registered nurse
157 registered under s. 464.0123 from withholding or withdrawing
158 cardiopulmonary resuscitation or other life-prolonging
159 procedures as otherwise authorized by law.

160 **Section 4. Paragraph (1) of subsection (3) of section**
161 **395.1041, Florida Statutes, is amended to read:**

162 395.1041 Access to and ensurance of emergency services;
163 transfers; patient rights; diversion programs; reports of
164 controlled substance overdoses.—

165 (3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF
166 FACILITY OR HEALTH CARE PERSONNEL.—

167 (1) Hospital personnel may withhold or withdraw
168 cardiopulmonary resuscitation or other life-prolonging
169 procedures if presented with an order not to resuscitate
170 executed pursuant to s. 401.45 or a patient-directed medical
171 order executed pursuant to s. 765.3041 which contains an order
172 not to resuscitate or an order to withhold or withdraw life-
173 prolonging procedures. Facility staff and facilities are ~~shall~~
174 ~~not be~~ subject to criminal prosecution or civil liability, or
175 ~~nor be~~ considered to have engaged in negligent or unprofessional

176 conduct, for withholding or withdrawing cardiopulmonary
177 resuscitation or other life-prolonging procedures pursuant to
178 such orders ~~an order~~. The absence of an order not to resuscitate
179 executed pursuant to s. 401.45 or a patient-directed medical
180 order executed pursuant to s. 765.3041 does not preclude a
181 physician from withholding or withdrawing cardiopulmonary
182 resuscitation or other life-prolonging procedures as otherwise
183 authorized ~~permitted~~ by law.

184 **Section 5. Subsection (3) of section 400.142, Florida**
185 **Statutes, is amended to read:**

186 400.142 Emergency medication kits; orders not to
187 resuscitate and patient-directed medical orders.—

188 (3) Facility staff may withhold or withdraw
189 cardiopulmonary resuscitation or other life-prolonging
190 procedures if presented with an order not to resuscitate
191 executed pursuant to s. 401.45 or a patient-directed medical
192 order executed pursuant to s. 765.3041 which contains an order
193 not to resuscitate or an order to withhold or withdraw life-
194 prolonging procedures. Facility staff and facilities are not
195 subject to criminal prosecution or civil liability, or
196 considered to have engaged in negligent or unprofessional
197 conduct, for withholding or withdrawing cardiopulmonary
198 resuscitation or other life-prolonging procedures pursuant to
199 such orders ~~order~~. The absence of an order not to resuscitate
200 executed pursuant to s. 401.45 or a patient-directed medical

order executed pursuant to s. 765.3041 does not preclude a physician from withholding or withdrawing cardiopulmonary resuscitation or other life-prolonging procedures as otherwise authorized ~~permitted~~ by law.

Section 6. Subsection (7) of section 400.487, Florida Statutes, is amended to read:

400.487 Home health service agreements; physician's, physician assistant's, and advanced practice registered nurse's treatment orders; patient assessment; establishment and review of plan of care; provision of services; orders not to resuscitate and patient-directed medical orders.—

(7) Home health agency personnel may withhold or withdraw cardiopulmonary resuscitation or other life-prolonging procedures if presented with an order not to resuscitate executed pursuant to s. 401.45 or a patient-directed medical order executed pursuant to s. 765.3041 which contains an order not to resuscitate or an order to withhold or withdraw life-prolonging procedures. The agency shall adopt rules providing for the implementation of such orders. Home health personnel and agencies are ~~shall~~ not ~~be~~ subject to criminal prosecution or civil liability, or ~~nor~~ ~~be~~ considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation or other life-prolonging procedures pursuant to such orders ~~an order~~ and rules adopted by the agency. The absence of an order not to

resuscitate executed pursuant to s. 401.45 or a patient-directed medical order executed pursuant to s. 765.3041 does not preclude a physician from withholding or withdrawing cardiopulmonary resuscitation or other life-prolonging procedures as otherwise authorized by law.

Section 7. Paragraph (e) of subsection (1) of section 400.605, Florida Statutes, is amended to read:

400.605 Administration; forms; fees; rules; inspections; fines.—

(1) The agency shall by rule establish minimum standards and procedures for a hospice pursuant to this part. The rules must include:

(e) Procedures relating to the implementation of advance ~~advanced~~ directives, patient-directed medical orders executed pursuant to s. 765.3041, and ~~do not resuscitate~~ orders not to resuscitate executed pursuant to s. 401.45.

Section 8. Subsection (8) of section 400.6095, Florida Statutes, is amended to read:

400.6095 Patient admission; assessment; plan of care; discharge; death.—

(8) The hospice care team may withhold or withdraw cardiopulmonary resuscitation or other life-prolonging procedures if presented with an order not to resuscitate executed pursuant to s. 401.45 or a patient-directed medical order executed pursuant to s. 765.3041 which contains an order

not to resuscitate or an order to withhold or withdraw life-prolonging procedures. The agency shall adopt rules providing for the implementation of such orders. Hospice staff are ~~shall~~ not ~~be~~ subject to criminal prosecution or civil liability, or ~~nor be~~ considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation or other life-prolonging procedures pursuant to such orders ~~an order~~ and applicable rules. The absence of an order not to resuscitate executed pursuant to s. 401.45 or a patient-directed medical order executed pursuant to s. 765.3041 does not preclude a physician from withholding or withdrawing cardiopulmonary resuscitation or other life-prolonging procedures as otherwise authorized ~~permitted~~ by law.

Section 9. Paragraph (b) of subsection (4) of section 400.611, Florida Statutes, is amended to read:

400.611 Interdisciplinary records of care; confidentiality; release of records.—

(4) A hospice may not release a patient's interdisciplinary record or any portion thereof, unless the person requesting the information provides to the hospice:

(b) In the case of an incapacitated patient, a patient authorization executed before ~~prior to~~ the patient's death by the patient's then acting legal guardian, health care surrogate as defined in s. 765.101 ~~s. 765.101(21)~~, health care proxy as defined in s. 765.101 ~~s. 765.101(19)~~, or agent under power of

attorney;

Section 10. Subsection (4) of section 401.35, Florida Statutes, is amended to read:

401.35 Rules.—The department shall adopt rules, including definitions of terms, necessary to carry out the purposes of this part.

(4) The rules must establish circumstances and procedures under which emergency medical technicians and paramedics may honor orders not to resuscitate executed pursuant to s. 401.45 or patient-directed medical orders executed pursuant to s. 765.3041 which contain an order not to resuscitate or an order to withhold or withdraw life-prolonging procedures by the patient's physician, physician assistant, or advanced practice registered nurse registered under s. 464.0123 ~~not to resuscitate~~ and the documentation and reporting requirements for handling such orders ~~requests~~.

Section 11. Paragraphs (a) and (b) of subsection (3) of section 401.45, Florida Statutes, are amended to read:

401.45 Denial of emergency treatment; civil liability.—

(3) (a) ~~Resuscitation may be withheld or withdrawn from a patient by~~ An emergency medical technician or paramedic may withhold or withdraw cardiopulmonary resuscitation or other life-prolonging procedures if presented with evidence of an order not to resuscitate executed pursuant to this subsection or a patient-directed medical order executed pursuant to s.

765.3041 which contains an order not to resuscitate or an order to withhold or withdraw life-prolonging procedures ~~by the patient's physician or physician assistant is presented to the emergency medical technician or paramedic.~~ An order not to resuscitate executed pursuant to this subsection or a patient-directed medical order executed pursuant to s. 765.3041 which contains an order not to resuscitate or an order to withhold or withdraw life-prolonging procedures, to be valid, must be on the form adopted by rule of the department. The form must be signed by the patient's physician, ~~or~~ physician assistant, or advanced practice registered nurse registered under s. 464.0123 and by the patient or, if the patient is incapacitated, the patient's health care surrogate or proxy as provided in chapter 765, court-appointed guardian as provided in chapter 744, or attorney in fact under a durable power of attorney as provided in chapter 709. The court-appointed guardian or attorney in fact must have been delegated authority to make health care decisions on behalf of the patient.

(b) Any licensee, physician, medical director, or emergency medical technician or paramedic who acts under the direction of a medical director is not subject to criminal prosecution or civil liability, and has not engaged in negligent or unprofessional conduct, as a result of the withholding or withdrawal of cardiopulmonary resuscitation or other life-prolonging procedures from a patient pursuant to this subsection

and rules adopted by the department.

Section 12. Subsection (4) of section 429.255, Florida Statutes, is amended to read:

429.255 Use of personnel; emergency care.—

(4) Facility staff may withhold or withdraw cardiopulmonary resuscitation, or the use of an automated external defibrillator, or other life-prolonging procedures if presented with an order not to resuscitate executed pursuant to s. 401.45 or a patient-directed medical order executed pursuant to s. 765.3041 which contains an order not to resuscitate or an order to withhold or withdraw life-prolonging procedures. The agency shall adopt rules providing for the implementation of such orders. Facility staff and facilities are ~~may not be~~ subject to criminal prosecution or civil liability, or ~~nor be~~ considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation, the ~~or~~ use of an automated external defibrillator, or other life-prolonging procedures pursuant to such orders ~~an order~~ and rules adopted by the agency. The absence of an order not to resuscitate executed pursuant to s. 401.45 or a patient-directed medical order executed pursuant to s. 765.3041 does not preclude a physician from withholding or withdrawing cardiopulmonary resuscitation, the ~~or~~ use of an automated external defibrillator, or other life-prolonging procedures as otherwise authorized ~~permitted~~ by law.

Section 13. Subsection (3) of section 429.73, Florida Statutes, is amended to read:

429.73 Rules and standards relating to adult family-care homes.—

(3) The agency shall adopt rules providing for the implementation of orders not to resuscitate and patient-directed medical orders. The provider may withhold or withdraw cardiopulmonary resuscitation or other life-prolonging procedures if presented with an order not to resuscitate executed pursuant to s. 401.45 or a patient-directed medical order executed pursuant to s. 765.3041 which contains an order not to resuscitate or an order to withhold or withdraw life-prolonging procedures. The provider is ~~shall~~ not be subject to criminal prosecution or civil liability, or ~~nor be~~ considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation or other life-prolonging procedures pursuant to such orders ~~an order~~ and applicable rules. The absence of an order not to resuscitate executed pursuant to s. 401.45 or a patient-directed medical order executed pursuant to s. 765.3041 does not preclude a physician from withholding or withdrawing cardiopulmonary resuscitation or other life-prolonging procedures as otherwise authorized by law.

Section 14. Subsections (1), (7), and (8) of section 744.4431, Florida Statutes, are amended to read:

744.4431 Guardianship power regarding life-prolonging procedures.—

(1) Except as provided in this section, decisions by a professional guardian, as defined in s. 744.102, to withhold or withdraw life-prolonging procedures from, or to execute an order not to resuscitate pursuant to s. 401.45 or a patient-directed medical order pursuant to s. 765.3041 which contains an order not to resuscitate or an order to withhold or withdraw life-prolonging procedures for, a ward must be approved by the court. A professional guardian appointed to act on behalf of a ward's person must petition the court pursuant to the Florida Probate Rules for authority to consent to withhold or withdraw life-prolonging procedures or to execute an order not to resuscitate pursuant to s. 401.45 or a patient-directed medical order pursuant to s. 765.3041. Court approval must be obtained before taking such action, except as provided in subsection (7).

(7) Court approval is not required for the following decisions:

(a) A decision to withhold or withdraw life-prolonging procedures made by a professional guardian to whom authority has been granted by the court under s. 744.3115 to carry out the instructions in or to take actions consistent with the ward's advance directive, order not to resuscitate executed pursuant to s. 401.45, or patient-directed medical order executed pursuant to s. 765.3041 which contains an order not to resuscitate or an

order to withhold or withdraw life-prolonging procedures, as long as there are no known objections from the ward; the ward's attorney; the ward's next of kin, if known; and any other interested persons as the court may direct based on s. 765.105(1).

(b) A decision by a professional guardian who has been delegated health care decisionmaking authority to execute an order not to resuscitate pursuant to s. 401.45 or a patient-directed medical order pursuant to s. 765.3041, ~~as described in s. 401.45(3)(a)~~, if the ward is in a hospital and the following conditions are met:

1. The ward's primary treating physician and at least one other consulting physician document in the ward's medical record that:

a. There is no reasonable medical probability for recovery from or a cure of the ward's underlying medical condition;

b. The ward is in an end-stage condition, a terminal condition, or a persistent vegetative state as those terms are defined in s. 765.101, and that the ward's death is imminent; and

c. Resuscitation will cause the ward physical harm or additional pain.

2. The professional guardian has notified the ward's next of kin, if known, and any interested persons as the court may direct and the decision is not contrary to the ward's expressed

wishes and there are no known objections from the ward; the ward's attorney; the ward's next of kin, if known; or any other interested persons as the court may direct on the basis of s. 765.105(1).

(8) Within 2 business days after executing an order not to resuscitate pursuant to s. 401.45 or a patient-directed medical order pursuant to s. 765.3041 which contains an order not to resuscitate or an order to withhold or withdraw life-prolonging procedures ~~under paragraph (7)(b)~~, a professional guardian must notify the court in writing of all of the following:

(a) The date the order not to resuscitate or patient-directed medical order was executed.

(b) The location of the ward when the order not to resuscitate or patient-directed medical order was executed.

(c) The names of the physicians who documented the ward's condition in the ward's medical record.

Section 15. Subsection (3) of section 752.001, Florida Statutes, is amended to read:

752.001 Definitions.—As used in this chapter, the term:

(3) "Persistent vegetative state" has the same meaning as ~~provided in s. 765.101 s. 765.101(15).~~

Section 16. Subsections (1) and (4) of section 765.110, Florida Statutes, are amended to read:

765.110 Health care facilities and providers; discipline.—

(1) A health care facility, ~~pursuant to Pub. L. No. 101~~

508, ~~ss. 4206 and 4751~~, shall provide to each patient written information concerning the individual's rights concerning advance directives, orders not to resuscitate executed pursuant to s. 401.45, or patient-directed medical orders executed pursuant to s. 765.3041 which contain an order not to resuscitate or an order to withhold or withdraw life-prolonging procedures and the health care facility's policies respecting the implementation of such rights, and shall document in the patient's medical records whether ~~or not~~ the individual has executed an advance directive, an order not to resuscitate pursuant to s. 401.45, or a patient-directed medical order pursuant to s. 765.3041 which contains an order not to resuscitate or an order to withhold or withdraw life-prolonging procedures.

(4) The Department of Health, in consultation with the Department of Elderly Affairs, for health care providers; the Agency for Health Care Administration for hospitals, hospices, nursing homes, home health agencies, assisted living facilities, adult family-care homes, and health maintenance organizations; and the Department of Children and Families for facilities subject to part I of chapter 394 shall adopt rules to implement this section.

Section 17. Subsection (3) of section 765.204, Florida Statutes, is amended to read:

765.204 Capacity of principal; procedure.—

476 (3) The surrogate's authority commences either upon a
477 determination under subsection (2) that the principal lacks
478 capacity or upon a stipulation of such authority pursuant to s.
479 765.101 ~~s. 765.101(21)~~. Such authority remains in effect until a
480 determination that the principal has regained such capacity, if
481 the authority commenced as a result of incapacity, or until the
482 authority is revoked, if the authority commenced immediately
483 pursuant to s. 765.101 ~~s. 765.101(21)~~. Upon commencement of the
484 surrogate's authority, a surrogate who is not the principal's
485 spouse shall notify the principal's spouse or adult children of
486 the principal's designation of the surrogate. Except if the
487 principal provided immediately exercisable authority to the
488 surrogate pursuant to s. 765.101 ~~s. 765.101(21)~~, in the event
489 that the primary or attending physician determines that the
490 principal has regained capacity, the authority of the surrogate
491 shall cease, but recommences if the principal subsequently loses
492 capacity as determined pursuant to this section. A health care
493 provider is not liable for relying upon health care decisions
494 made by a surrogate while the principal lacks capacity. At any
495 time when a principal lacks capacity, a health care decision
496 made on the principal's behalf by a surrogate is effective to
497 the same extent as a decision made by the principal. If a
498 principal possesses capacity, health care decisions of the
499 principal take precedence over decisions made by the surrogate
500 that present a material conflict.

501 **Section 18. Paragraph (c) of subsection (1) of section**
502 **765.205, Florida Statutes, is amended to read:**

503 765.205 Responsibility of the surrogate.—

504 (1) The surrogate, in accordance with the principal's
505 instructions, unless such authority has been expressly limited
506 by the principal, shall:

507 (c) Provide written consent using an appropriate form
508 whenever consent is required, including the execution of an a
509 ~~physician's~~ order not to resuscitate pursuant to s. 401.45 or a
510 patient-directed medical order pursuant to s. 765.3041 which
511 contains an order not to resuscitate or an order to withhold or
512 withdraw life-prolonging procedures.

513 **Section 19. Subsection (2) of section 765.305, Florida**
514 **Statutes, is amended to read:**

515 765.305 Procedure in absence of a living will.—

516 (2) Before exercising the incompetent patient's right to
517 forego treatment, including the execution of an order not to
518 resuscitate pursuant to s. 401.45 or a patient-directed medical
519 order pursuant to s. 765.3041 which contains an order not to
520 resuscitate or an order to withhold or withdraw life-prolonging
521 procedures, the surrogate must be satisfied that:

522 (a) The patient does not have a reasonable medical
523 probability of recovering capacity so that the right could be
524 exercised by the patient.

525 (b) The patient has an end-stage condition, the patient is

526 | in a persistent vegetative state, or the patient's physical
527 | condition is terminal.

528 | **Section 20.** The Agency for Health Care Administration
529 | shall create and update a database for the storage of patient-
530 | directed medical orders, which shall be stored solely at the
531 | option of the patient in electronic form by the agency.

532 | **Section 21.** This act shall take effect July 1, 2026.