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## **FAMILY ISSUE FACT SHEET**

**No. 2019-09 (Updated March 26, 2019)**



# **HB 2122 SIMON'S LAW: DO-NOT-RESUSCITATE ORDERS; MINORS; PARENTAL COMMUNICATION**

## **EXECUTIVE SUMMARY**

HB 2122 requires parental notification before a do-not-resuscitate (DNR) order is placed on a minor's medical chart. The bill establishes the content of the communication between the medical provider and the minor's parent or legal guardian, including their right to transfer their child to another facility if they disagree with the implementation of the DNR.

## **OVERVIEW**

Simon Crosier was born on September 7, 2010, in St. Louis, Missouri. He was diagnosed with Trisomy 18, and lived for three months before passing away in December 2010. As his oxygen saturation levels dropped in the hospital, his parents were told that nothing could be done. His parents watched as he took his last breaths.

After Simon passed away, his parents found out that because of Simon's medical condition a DNR had been placed on his medical file, and that the medical staff had only been feeding him drops of sucrose. All of this without their knowledge.

In response to this tragedy, Simon's mother wrote a [book](#) to recount her son's story and began advocating for "Simon's law," which requires parental involvement before a DNR is placed on a minor's chart.

In 2017, Kansas was the first state to pass "Simon's law" ([38-150](#)). South Dakota became the second state in March of this year ([HB 1055](#)). State legislatures in Georgia, Kentucky, Missouri, and North Carolina are currently considering similar legislation.

HB 2122 protects parental rights in this critical area in several ways:

- Requires health care providers to communicate with a minor's parent or guardian before implementing a DNR.
- The communication must include:
  - A discussion of the care plan, including the implementation of the DNR and what a DNR means for the patient.
  - Their right to transfer their child to another health care provider if they disagree with the care plan.
  - Their right to request and receive a copy of the provider's DNR and related policies.

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- The communication must be done with a witness other than the parent or legal guardian that is willing to attest this communication took place.
- The communication must be documented in the minor's medical record specifying who was communicated with, the witness, the date and time of the communication and a signed acknowledgement by the parent or legal guardian of the communication.
- If parents express a desire to transfer their child to another facility, the health care provider must give the parents reasonable time to find another facility and must make reasonable efforts to facilitate the transfer.
- A parent or guardian may petition a superior court if they believe the statute is being violated or if parents disagree regarding the implementation of the DNR.

## **TALKING POINTS**

1. HB 2122 is a commonsense piece of legislation that ensures parents are involved in this critical medical decision.
2. Under Arizona law (ARS 1-601), parents have a fundamental right to direct the health care of their children. Surely, this right applies in the case of a do-not-resuscitate order.
3. Regardless of the severity of a child's medical condition, parents nonetheless need to know when a DNR is being considered.

## **CONCLUSION**

HB 2122 is a commonsense piece of legislation that requires parental notification before a do-not-resuscitate order is placed on a minor's medical chart. Under Arizona law (ARS 1-601), parents have a fundamental right to direct the health care of their children. Surely, this right applies in the case of a do-not-resuscitate order.