

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 623 Session of 2017

INTRODUCED BY YAW, RAFFERTY, LEACH, FONTANA, SCHWANK,
MCGARRIGLE, BAKER, BROWNE, AUMENT AND BLAKE, OCTOBER 5, 2017

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 25, 2018

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, in general provisions
3 relating to health care, further providing for applicability,
4 for definitions and for criminal penalties; in living wills,
5 further providing for emergency medical services; in out-of-
6 hospital nonresuscitation, further providing for definitions,
7 for orders, bracelets and necklaces, for revocation, for
8 absence of order, bracelet or necklace and for emergency
9 medical services, repealing provisions relating to advisory
10 committee and providing for discontinuance; providing for
11 Pennsylvania orders for life-sustaining treatment; and making
12 editorial changes.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 5421(a) of Title 20 of the Pennsylvania
16 Consolidated Statutes is amended to read:

17 § 5421. Applicability.

18 (a) General rule.--This chapter applies to advance health
19 care directives [and], out-of-hospital nonresuscitation orders
20 and Pennsylvania orders for life-sustaining treatment.

21 * * *

22 Section 2. The definitions of "medical command physician,"
23 "order" and "patient" in section 5422 of Title 20 are amended

1 and the section is amended by adding definitions to read:

2 § 5422. Definitions.

3 The following words and phrases when used in this chapter
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 * * *

7 "Medical command physician." A licensed physician who is
8 authorized to give a medical command under [the act of July 3,
9 1985 (P.L.164, No.45), known as the Emergency Medical Services
10 Act] 35 Pa.C.S. Ch. 81 (relating to emergency medical services
11 system).

12 * * *

13 "Order." An out-of-hospital do-not-resuscitate order as
14 defined under section 5483 (relating to definitions) or
15 Pennsylvania orders for life-sustaining treatment as defined
16 under section 5493 (relating to definitions).

17 "Out-of-hospital do-not-resuscitate order" or "OOH-DNR
18 order." An out-of-hospital do-not-resuscitate order as defined
19 under section 5483 (relating to definitions).

20 ["Patient." An out-of-hospital do-not-resuscitate patient as
21 defined under section 5483 (relating to definitions).]

22 * * *

23 "Pennsylvania orders for life-sustaining treatment" or
24 "POLST." Pennsylvania orders for life-sustaining treatment as
25 defined under section 5493 (relating to definitions).

26 Section 3. Sections 5432, 5445(b), 5483, 5484(a) and (b),
27 5485, 5486 and 5487 of Title 20 are amended to read:

28 § 5432. Criminal penalties.

29 (a) Criminal homicide.--A person shall be subject to
30 prosecution for criminal homicide as provided in 18 Pa.C.S. Ch.

1 25 (relating to criminal homicide) if the person intends to
2 cause the withholding or withdrawal of life-sustaining treatment
3 contrary to the wishes of the principal or patient and, because
4 of that action, directly causes life-sustaining treatment to be
5 withheld or withdrawn and death to be hastened and:

6 (1) falsifies or forges the advance health care
7 directive, OOH-DNR order, bracelet [or], necklace or POLST
8 of that principal or patient; or

9 (2) willfully conceals or withholds personal knowledge
10 of a revocation of an advance health care directive or DNR
11 status.

12 (b) Interference with health care directive.--A person
13 commits a felony of the third degree if that person willfully:

14 (1) conceals, cancels, alters, defaces, obliterates or
15 damages an advance health care directive, OOH-DNR order,
16 bracelet [or], necklace or POLST without the consent of the
17 principal or patient;

18 (2) causes a person to execute an advance health care
19 directive or order or wear a bracelet or necklace by undue
20 influence, fraud or duress; or

21 (3) falsifies or forges an advance health care
22 directive, OOH-DNR order, bracelet [or], necklace or POLST
23 or any amendment or revocation thereof, the result of which
24 is a direct change in the health care provided to the
25 principal or patient.

26 § 5445. Emergency medical services.

27 * * *

28 (b) Applicability.--This section is applicable only in those
29 instances where an out-of-hospital DNR order is not in effect
30 under section 5484 (relating to OOH-DNR orders, bracelets and

1 necklaces).

2 § 5483. Definitions.

3 The following words and phrases when used in this subchapter
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Department." The Department of Health of the Commonwealth.

7 "Emergency medical services provider." [A health care
8 provider recognized under the act of July 3, 1985 (P.L.164,
9 No.45), known as the Emergency Medical Services Act.] As defined
10 under 35 Pa.C.S. § 8103 (relating to definitions). The term
11 includes those individuals recognized under 42 Pa.C.S. § 8331.2
12 (relating to good Samaritan civil immunity for use of automated
13 external defibrillator).

14 "EMS." Emergency medical services.

15 "Health care provider." A person who is licensed, certified
16 or otherwise authorized by the laws of this Commonwealth to
17 administer or provide health care in the ordinary course of
18 business or practice of a profession. The term includes
19 personnel recognized under [the act of July 3, 1985 (P.L.164,
20 No.45), known as the Emergency Medical Services Act,] 35 Pa.C.S.
21 Ch. 81 (relating to emergency medical services system) and those
22 individuals recognized under 42 Pa.C.S. § 8331.2 (relating to
23 good Samaritan civil immunity for use of automated external
24 defibrillator).

25 "Out-of-hospital do-not-resuscitate bracelet." A bracelet in
26 the standard format set forth in section 5484 (relating to OOH-
27 DNR orders, bracelets and necklaces), supplied by the department
28 and issued by the attending physician, which may be worn at the
29 patient's option to notify emergency medical services providers
30 of the presence of an OOH-DNR order.

1 "Out-of-hospital do-not-resuscitate necklace." A necklace in
2 the standard format set forth in section 5484 (relating to OOH-
3 DNR orders, bracelets and necklaces), supplied by the department
4 and issued by the attending physician, which may be worn at the
5 patient's option to notify emergency medical services providers
6 of the presence of an OOH-DNR order.

7 "Out-of-hospital do-not-resuscitate order" or "OOH-DNR
8 order." An order in the standard format set forth in section
9 5484 (relating to OOH-DNR orders, bracelets and necklaces),
10 supplied by the department and issued by the attending
11 physician, directing emergency medical services providers to
12 withhold cardiopulmonary resuscitation from the patient in the
13 event of respiratory or cardiac arrest.

14 "Out-of-hospital do-not-resuscitate patient." An individual
15 who:

16 (1) Has an end-stage medical condition or is permanently
17 unconscious.

18 (2) Pursuant to section 5484(a) (relating to OOH-DNR
19 orders, bracelets and necklaces), possesses and in any manner
20 displays or causes to be displayed for emergency medical
21 services providers an apparently valid OOH-DNR order,
22 bracelet or necklace.

23 "Surrogate." A health care agent or a health care
24 representative.

25 § 5484. [Orders] OOH-DNR orders, bracelets and necklaces.

26 (a) Issuance.--An attending physician, upon the request of a
27 patient who is at least 18 years of age, has graduated from high
28 school, has married or is an emancipated minor, or the patient's
29 surrogate if the surrogate is so authorized, shall issue to the
30 patient an OOH-DNR order and may issue at the request of the

1 patient or the patient's surrogate a bracelet or necklace
2 supplied by the department. The patient may, at the patient's
3 option, wear the bracelet or display the order or necklace to
4 notify emergency medical services providers of the patient's DNR
5 status.

6 (b) Format of OOH-DNR order.--The department shall, with the
7 advice of the Pennsylvania Emergency Health Services Council and
8 with the assistance of the regional emergency medical services
9 councils, make available standard OOH-DNR orders for issuance to
10 patients by attending physicians of this Commonwealth. The form
11 of the order shall contain, but not be limited to, the
12 following:

13 PENNSYLVANIA OUT-OF-HOSPITAL

14 DO-NOT-RESUSCITATE ORDER

15 Patient's full legal name:

16 I, the undersigned, state that I am the attending
17 physician of the patient named above. The above-named patient
18 or the patient's surrogate has requested this order, and I
19 have made the determination that the patient is eligible for
20 an order and satisfies one of the following:

21 has an end-stage medical condition.

22 is permanently unconscious and has a living
23 will directing that no cardiopulmonary resuscitation be
24 provided to the patient in the event of the patient's cardiac
25 or respiratory arrest.

26 I direct any and all emergency medical services
27 personnel, commencing on the effective date of this order, to
28 withhold cardiopulmonary resuscitation (cardiac compression,
29 invasive airway techniques, artificial ventilation,
30 defibrillation and other related procedures) from the patient

1 in the event of the patient's respiratory or cardiac arrest.
2 I further direct such personnel to provide to the patient
3 other medical interventions, such as intravenous fluids,
4 oxygen or other therapies necessary to provide comfort care
5 or to alleviate pain, unless directed otherwise by the
6 patient or the emergency medical services provider's
7 authorized medical command physician.

8 Signature of attending physician:

9 Printed name of attending physician:

10 Dated:

11 Attending physician's emergency telephone number:

12 I, the undersigned, hereby direct that in the event of my
13 cardiac and/or respiratory arrest efforts at cardiopulmonary
14 resuscitation not be initiated and that they may be withdrawn
15 if initiated. I understand that I may revoke these directions
16 at any time by giving verbal instructions to the emergency
17 medical services providers, by physical cancellation or
18 destruction of this form or my bracelet or necklace or by
19 simply not displaying this form or the bracelet or necklace
20 for my EMS [caregivers] providers.

21 Signature of patient (if capable of making informed
22 decisions):

23 I, the undersigned, hereby certify that I am authorized
24 to execute this order on the patient's behalf by virtue of
25 having been designated as the patient's surrogate and/or by
26 virtue of my relationship to the patient (specify
27 relationship:). I hereby direct that in the event
28 of the patient's cardiac and/or respiratory arrest efforts at
29 cardiopulmonary resuscitation not be initiated and be
30 withdrawn if initiated.

1 Signature of surrogate (if patient is incapable of making
2 informed decisions):

3 * * *

4 § 5485. Revocation.

5 (a) Patient.--If a patient has obtained an OOH-DNR order,
6 only the patient may revoke the patient's DNR status.

7 (b) Surrogate.--If a surrogate has obtained an OOH-DNR
8 order, the patient or the surrogate may revoke a patient's
9 status.

10 (c) Manner.--Revocation under this section may be done at
11 any time without regard to the patient's physical or mental
12 condition and in any manner, including verbally or by destroying
13 or not displaying the OOH-DNR order, bracelet or necklace.

14 § 5486. Absence of OOH-DNR order, bracelet or necklace.

15 If an OOH-DNR order has not been issued by an attending
16 physician, a presumption does not arise as to the intent of the
17 individual to consent to or to refuse the initiation,
18 continuation or termination of life-sustaining treatment.

19 § 5487. Emergency medical services.

20 (a) Medical command instructions.--Notwithstanding the
21 absence of an OOH-DNR order, bracelet or necklace pursuant to
22 this section, emergency medical services providers shall at all
23 times comply with the instructions of an authorized medical
24 command physician to withhold or discontinue resuscitation.

25 (b) Effect of OOH-DNR order, bracelet or necklace.--

26 (1) Emergency medical services providers are authorized
27 to and shall comply with an OOH-DNR order if made aware of
28 the order by examining a bracelet, a necklace or the order
29 itself.

30 (2) Emergency medical services providers shall provide

1 other medical interventions necessary and appropriate to
2 provide comfort and alleviate pain, including intravenous
3 fluids, medications, oxygen and any other intervention
4 appropriate to the level of the certification of the
5 provider, unless otherwise directed by the patient or the
6 emergency medical services provider's authorized medical
7 command physician.

8 (3) As used in this subsection, the term "comply" means:

9 (i) to withhold cardiopulmonary resuscitation from
10 the patient in the event of respiratory or cardiac
11 arrest; or

12 (ii) to discontinue and cease cardiopulmonary
13 resuscitation in the event the emergency medical services
14 provider is presented with an OOH-DNR order or discovers
15 a necklace or bracelet after initiating cardiopulmonary
16 resuscitation.

17 (c) Uncertainty regarding validity or applicability of OOH-
18 DNR order, bracelet or necklace.--

19 (1) Emergency medical services providers who in good
20 faith are uncertain about the validity or applicability of an
21 OOH-DNR order, bracelet or necklace shall render care in
22 accordance with their level of certification.

23 (2) Emergency medical services providers who act under
24 paragraph (1) shall not be subject to civil or criminal
25 liability or administrative sanction for failure to comply
26 with an OOH-DNR order under this section.

27 (d) Recognition of other states' orders.--Emergency medical
28 services or [out-of-hospital DNR] OOH-DNR orders, bracelets or
29 necklaces valid in states other than this Commonwealth shall be
30 recognized in this Commonwealth to the extent that these orders,

1 bracelets or necklaces and the criteria for their issuance are
2 consistent with the laws of this Commonwealth. Emergency medical
3 services providers shall act in accordance with the provisions
4 of this section when encountering a patient with an apparently
5 valid EMS or out-of-hospital DNR form, bracelet or necklace
6 issued by another state. Emergency medical services providers
7 acting in good faith under this section shall be entitled to the
8 same immunities and protections that would otherwise be
9 applicable.

10 Section 4. Section 5488 of Title 20 is repealed:

11 [~~§ 5488. Advisory committee.~~

12 (a) Establishment.--Within 60 days of the effective date of
13 this section, the department shall establish a committee to
14 assist it in determining the advisability of using a
15 standardized form containing orders by qualified physicians that
16 detail the scope of medical treatment for patients' life-
17 sustaining wishes.

18 (b) Membership.--The committee shall include representatives
19 from the Pennsylvania Medical Society, the Hospital and Health
20 System Association of Pennsylvania, the Joint State Government
21 Commission's Advisory Committee on Decedents' Estates Laws, the
22 Pennsylvania Bar Association, the Department of Aging, the
23 Department of Public Welfare and other interested persons at the
24 department's discretion.

25 (c) Scope of review.--The committee's review shall include,
26 but not be limited to, examination of the following:

27 (1) The need to adopt this type of standardized form in
28 view of the existing use of do-not-resuscitate orders.

29 (2) The use and evaluation of use of such forms in other
30 states.

1 (3) Any other matters determined by the department to be
2 relevant to its determination.]

3 Section 5. Title 20 is amended by adding a section to read:
4 § 5489. Discontinuance.

5 An OOH-DNR order may not be executed on or after the date the
6 department adopts an initial POLST form under section 5498
7 (relating to POLST form). This subchapter shall continue to
8 apply to any OOH-DNR order executed prior to the date the
9 department adopts an initial POLST form.

10 Section 6. Chapter 54 of Title 20 is amended by adding a
11 subchapter to read:

12 SUBCHAPTER F

13 PENNSYLVANIA ORDERS FOR LIFE-SUSTAINING TREATMENT

14 Sec.

15 5491. Scope of subchapter.

16 5492. Legislative findings and intent.

17 5493. Definitions.

18 5494. Prohibitions on use.

19 5495. Voluntary consent requirement.

20 5496. POLST Advisory Committee.

21 5497. Administration of POLST program.

22 5498. POLST form.

23 5498.1. Education about POLST.

24 5498.2. Requirements for valid POLST.

25 5498.3. Portability.

26 5498.4. Team care.

27 5498.5. Copies of orders.

28 5498.6. Signature options.

29 5498.7. Standards for surrogate decision makers.

30 5498.8. Revocation.

1 5498.9. Transfer requirements.

2 5498.10. Review requirements.

3 5498.11. Compliance.

4 5498.12. Emergency medical services.

5 5498.13. Immunity.

6 5498.14. Conflict with advance health care directive.

7 5498.15. POLST executed under prior POLST form.

8 5498.16. POLST executed under PLSWC form.

9 5498.17. POLST executed in another state or jurisdiction.

10 5498.18. POLST registry study.

11 § 5491. Scope of subchapter.

12 This subchapter relates to Pennsylvania Orders for Life-
13 Sustaining Treatment.

14 § 5492. Legislative findings and intent.

15 The General Assembly finds and declares as follows:

16 (1) All individuals have a qualified right to control
17 their health care and should not lose that right if they
18 become incompetent or have never been a competent adult.

19 (2) The Commonwealth has recognized this right by
20 providing for advance health care directives in which
21 individuals may provide direction and state their goals and
22 preferences about future health care and by providing for
23 surrogate decision makers for incompetent adults and
24 unemancipated minors.

25 (3) A Pennsylvania order for life-sustaining treatment,
26 or POLST, differs from an advance health care directive as it
27 converts an individual's wishes regarding health care into a
28 medical order that is immediately actionable and applicable
29 across all health care settings.

30 (4) The use of POLST may overcome many of the

1 limitations and problems associated with advance health care
2 directives and existing orders regarding cardiopulmonary
3 resuscitation and other end-of-life care, including out-of-
4 hospital do-not-resuscitate orders.

5 (5) In many cases, advance health care directives only
6 name a surrogate decision maker to make health care decisions
7 for the principal or lack specificity as to the principal's
8 goals and preferences for a medical condition that
9 subsequently develops because it was not foreseen by the
10 principal.

11 (6) Existing medical orders frequently are ineffective
12 when the patient is transferred from one care setting to
13 another because the procedures, forms and requirements at
14 each care setting may be different, resulting in a loss in
15 the ability of patients to have their wishes honored.

16 (7) Existing emergency medical services protocols may
17 require emergency medical services personnel to proceed to
18 cardiopulmonary resuscitation when an individual is found in
19 cardiac and respiratory arrest, even if the individual has
20 completed an advance directive or has otherwise clearly
21 indicated that the individual does not wish to receive
22 cardiopulmonary resuscitation.

23 (8) A POLST, which is executed by a health care
24 practitioner under appropriate circumstances to implement the
25 wishes of the patient expressed directly by the patient or
26 through a surrogate decision maker, provides clear direction
27 for the patient's care regarding health care issues likely to
28 emerge given the patient's current medical condition.

29 (9) A key step in the POLST process is the health care
30 practitioner's review with the patient or the patient's

1 surrogate decision maker of the patient's current health
2 status, diagnoses and prognosis to determine whether a POLST
3 order would be appropriate or should be updated.

4 (10) A POLST is appropriate for individuals with serious
5 illnesses or frailty if their health care practitioner would
6 not be surprised if they died within the next year and their
7 current health status, diagnoses and prognosis indicates
8 standing medical orders concerning treatment options and
9 other care are appropriate.

10 ~~(11) A POLST is not recommended for individuals with~~ <--
11 ~~stable, even if chronic, medical conditions and years of life~~
12 ~~expectancy.~~

13 ~~(12) (11) Among vulnerable populations, including~~ <--
14 ~~persons with disabilities, POLST are appropriate for~~
15 ~~seriously ill or frail patients if their health care~~
16 ~~practitioner would not be surprised if they died within the~~
17 ~~next year. POLST are not appropriate for the entire~~
18 ~~population.~~

19 ~~(13) (12) It should not be assumed that all patients in~~ <--
20 ~~any facility, including a nursing home, should have or would~~
21 ~~desire POLST.~~

22 ~~(14) (13) The well-being of the patient is paramount in~~ <--
23 ~~considering a POLST, not cost savings to the government or~~
24 ~~insurers.~~

25 ~~(15) (14) A POLST is appropriately entered following a~~ <--
26 ~~shared decision-making process that facilitates patient~~
27 ~~consent that is voluntary, educated, collaborative and~~
28 ~~thoughtful, including a discussion of the patient's current~~
29 ~~clinical status, treatment options and likely outcomes,~~
30 ~~together with the patient's goals of care, preferences and~~

1 values.

2 ~~(16)~~ (15) Conversations about POLST must avoid any bias <--
3 against continuation of care and must not characterize the
4 continuation of life as burdensome. When appropriate, these
5 conversations should emphasize palliative care and hospice
6 availability.

7 ~~(17)~~ (16) A standardized POLST form, which is easily <--
8 recognized, understood and implemented, can greatly advance
9 the ability of patients to ensure that their medical care is
10 aligned with their goals of care, preferences and values, as
11 informed by a shared decision-making process.

12 ~~(18)~~ (17) Advance health care directives remain <--
13 critically important for adults from the age of majority
14 until death. An advance health care directive, rather than a
15 POLST, is the appropriate advance care planning tool for
16 healthy patients.

17 ~~(19)~~ (18) When the use of a POLST becomes appropriate, <--
18 an existing advance health care directive will help shape the
19 choices of the patient or the patient's surrogate decision
20 maker when discussing a POLST with a health care professional <--
21 PROVIDER. <--

22 ~~(20)~~ (19) This subchapter is intended to provide a <--
23 framework and legal authority for POLST to be valid and
24 portable across all care settings, consistent with the
25 foregoing findings.

26 § 5493. Definitions.

27 The following words and phrases when used in this subchapter
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Committee." The POLST Advisory Committee established under

1 this subchapter.

2 "Department." The Department of Health of the Commonwealth.

3 "Health care facility." Any of the following:

4 (1) A facility that is licensed as a health care
5 facility by the department under Chapter 8 of the act of July
6 19, 1979 (P.L.130, No.48), known as the Health Care
7 Facilities Act, including, but not limited to, a hospital,
8 long term care facility, home health care agency or hospice.

9 (2) A facility that is licensed or approved by the
10 Department of Human Services under Article IX or X of the act
11 of June 13, 1967 (P.L.31, No.21), known as the Human Services
12 Code, and provides health care services, including, but not
13 limited to, a psychiatric facility or intermediate care
14 facility for the developmentally or intellectually disabled.

15 (3) A facility that is licensed as a prescribed
16 pediatric extended care center by the department under the
17 act of November 24, 1999 (P.L.884, No.54), known as the
18 Prescribed Pediatric Extended Care Centers Act.

19 "Health care insurer." Any person, corporation or other
20 entity that offers administrative, indemnity or payment services
21 under a program of health care or disability benefits,
22 including, but not limited to, the following:

23 (1) An insurance company, association, exchange or
24 fraternal benefit society subject to the act of May 17, 1921
25 (P.L.682, No.284), known as The Insurance Company Law of
26 1921.

27 (2) A health maintenance organization subject to the act
28 of December 29, 1972 (P.L.1701, No.364), known as the Health
29 Maintenance Organization Act.

30 (3) A hospital plan corporation subject to 40 Pa.C.S.

1 Ch. 61 (relating to hospital plan corporations).

2 (4) A professional health service corporation subject to
3 40 Pa.C.S. Ch. 63 (relating to professional health services
4 plan corporations).

5 (5) A self-insured employee welfare benefit plan.

6 (6) A third-party administrator of a self-insured
7 employee welfare benefit plan.

8 (7) A Federal, State or local government sponsored or
9 operated program.

10 "Health care practitioner." A physician, physician assistant
11 or certified registered nurse practitioner acting in accordance
12 with applicable law, including, but not limited to, their
13 respective licensing acts and regulations.

14 "Patient Life-Sustaining Wishes Committee." The committee
15 appointed to assist the department in determining the
16 advisability of using a standardized form containing orders by
17 qualified physicians that detail the scope of medical treatment
18 for patients' life-sustaining wishes under former section 5488
19 (relating to advisory committee).

20 "Pennsylvania orders for life-sustaining treatment" or
21 "POLST." One or more medical orders, issued for the care of an
22 individual, regarding cardiopulmonary resuscitation or other
23 medical interventions that are entered in accordance with
24 section 5498.2 (relating to requirements for valid POLST).

25 "PLSWC form." The form for a POLST previously approved by
26 the department on the recommendation of the Patient Life-
27 Sustaining Wishes Committee.

28 "POLST form." The form for a POLST adopted under section
29 5498 (relating to POLST form).

30 "Secretary." The Secretary of Health of the Commonwealth.

1 "Surrogate decision maker." A health care agent, health care
2 representative, guardian of the person or parent of a minor who
3 is legally authorized to make a health care decision for a
4 patient.

5 § 5494. Prohibitions on use.

6 (A) STABLE MEDICAL CONDITIONS.--A POLST IS NOT RECOMMENDED <--
7 FOR INDIVIDUALS WITH STABLE, EVEN IF CHRONIC, MEDICAL CONDITIONS
8 AND YEARS OF LIFE EXPECTANCY.

9 (B) CONSTRUCTION.--Nothing in this subchapter shall be
10 construed to advance or support euthanasia, suicide or health
11 care practitioner-assisted suicide.

12 § 5495. Voluntary consent requirement.

13 (a) Patient consent.--No POLST shall be valid without the
14 voluntary consent of the patient or a surrogate decision maker.

15 (b) Health insurance or coverage.--A health care insurer may
16 not:

17 (1) Require an individual to consent to a POLST or to
18 have a POLST as a condition for being insured.

19 (2) Charge an individual a different rate or fee whether
20 or not the individual consents to, or has, a POLST.

21 (3) Require a health care provider to have a policy to
22 offer a POLST to any individual.

23 (4) Provide a health care provider a financial
24 incentive, payment, discount or rating incentive for having a
25 policy or procedure relating to POLST completion.

26 (5) Impose a rating or reimbursement penalty if a health
27 care provider fails to achieve a target for POLST
28 completions.

29 (c) Consultation.--Notwithstanding subsection (b), a health
30 care provider may be paid for consultation with or counseling of

1 a patient concerning a POLST or offering advance health care
2 planning.

3 (d) Health care provider and health care facility
4 policies.--The following shall apply:

5 (1) A health care provider and a health care facility
6 may not make consent to a POLST or having a POLST a condition
7 of admission to, continued occupancy at, or the provision of
8 health care services by the health care provider or a health
9 care facility.

10 (2) A health care provider and a health care facility
11 may not provide a patient or surrogate decision maker an in-
12 kind or financial incentive, payment or discount for
13 consenting to or having a POLST.

14 (3) In complying with paragraphs (1) and (2), a health
15 care provider and a health care facility may have a policy to
16 offer a POLST to appropriate individuals as part of a
17 conversation about goals of care, personal values and
18 preferences, benefits of various treatment options and
19 avoiding unwanted burden.

20 § 5496. POLST Advisory Committee.

21 (a) Appointment.--The secretary shall appoint a POLST
22 Advisory Committee, including a chairperson and vice chairperson
23 of the committee.

24 (b) Role of committee.--The committee shall advise the
25 department on POLST-related matters, including, but not limited
26 to, the format and content of the POLST form and education about
27 POLST.

28 (c) Composition.--The following shall apply:

29 (1) After consulting Statewide organizations comprised
30 of relevant stakeholders, the secretary shall appoint one or

1 more representatives of the following to the committee:

2 (i) The Pennsylvania Medical Society.

3 (ii) The Hospital and Healthsystem Association of
4 Pennsylvania.

5 (iii) The Pennsylvania Homecare Association.

6 (iv) The Pennsylvania Bar Association.

7 (v) The Joint State Government Commission's Advisory
8 Committee on Decedents' Estates Laws.

9 (vi) State and local emergency medical services
10 providers.

11 (vii) Long-term care facilities and providers of
12 long-term support.

13 (viii) Patient advocates.

14 (ix) Disability rights advocates.

15 (x) Faith-based health care providers.

16 (xi) Bioethicists, including both a secular and
17 faith-based representative.

18 (2) The secretary may appoint additional individuals to
19 the committee to provide expertise and a broad representation
20 of interests.

21 (3) The secretary shall ensure that members appointed to
22 the committee include individuals with knowledge about:

23 (i) community POLST coalition efforts; and

24 (ii) nationally-accepted physician orders for life-
25 sustaining treatment standards and educational resources,
26 such as the National POLST Paradigm Task Force.

27 § 5497. Administration of POLST program.

28 (a) Duties.--The department shall perform the following
29 duties in consultation with the committee:

30 (1) Adopt and update a POLST form under section 5498

1 (relating to POLST form).

2 (2) Develop and update basic education materials on
3 POLST under section 5498.1 (relating to education about
4 POLST).

5 (3) Make the POLST form and its educational materials
6 available and accessible through the department's publicly
7 accessible Internet website.

8 (b) Plain language requirement.--In consultation with the
9 committee, the department shall make the POLST form and its
10 educational materials clear, concise, well-organized and
11 otherwise understandable to patients, their families, other
12 surrogate decision makers and health care providers.

13 (c) Coordination.--In the performance of its
14 responsibilities under this subchapter, the department shall
15 coordinate with other State agencies that address the special
16 needs of individuals with disabilities and older persons,
17 including the Departments of Aging and Human Services.
18 § 5498. POLST form.

19 (a) General rule.--In consultation with the committee, the
20 department shall adopt, and periodically update when
21 appropriate, a standard POLST form for health care practitioners
22 to issue a POLST with the voluntary consent of the patient or an
23 authorized surrogate decision maker.

24 (b) Medical order options.--The following shall apply:

25 (1) The POLST form shall include options for a set of
26 medical orders for cardiopulmonary resuscitation and other
27 medical interventions that are determined to be appropriate
28 for a POLST.

29 (2) The POLST form shall be outcome neutral. The medical
30 order options shall range from full treatment to comfort care

1 only, with options in between.

2 (3) The POLST form may include options for nutrition and
3 hydration administered by gastric tube or intravenously or by
4 other medically administered means. If the consent is
5 provided by a surrogate decision maker, the following
6 requirements shall apply:

7 (i) Section 5456(c)(5)(iii) (relating to authority
8 of health care agent).

9 (ii) Section 5461(c) (relating to decisions by
10 health care representative).

11 (iii) Section 5462(c) (relating to duties of
12 attending physician and health care provider).

13 (4) Except as provided under section 5498.2(a)(2)
14 (relating to requirements for valid POLST), no medical order
15 option section shall be required to be completed for the
16 POLST to be valid.

17 (c) Notices.--The following shall apply:

18 (1) The POLST form shall clearly and conspicuously state
19 that a POLST may only be issued with the voluntary consent of
20 the patient or the patient's authorized surrogate decision
21 maker and that a patient or surrogate decision maker may not
22 be compelled by a health care provider or health care insurer
23 to complete or sign a POLST.

24 (2) The POLST form may include other notices regarding
25 patient rights, health care practitioner responsibilities and
26 availability of educational information which the department,
27 in consultation with the committee, determines are
28 appropriate.

29 (d) Identification and signatures.--The following shall
30 apply:

1 (1) The POLST form shall provide for identification of
2 the patient, any surrogate decision maker who consents to the
3 POLST on behalf of the patient and the health care
4 practitioner who issues the POLST.

5 (2) The POLST form shall provide for the signatures of
6 the patient, any surrogate decision maker and the health care
7 practitioner who issues the POLST.

8 (e) Instructions.--The POLST form shall include instructions
9 for its completion. The instructions shall clearly convey:

10 (1) The sections required to be completed for the POLST
11 to be valid.

12 (2) The optional sections, including those regarding
13 health care other than cardiopulmonary resuscitation.

14 (f) Opportunity for comment.--The following shall apply:

15 (1) Prior to adopting the initial POLST form developed
16 after the effective date of this section, the department
17 shall submit for publication notice of the proposed form in
18 the Pennsylvania Bulletin and provide an opportunity for
19 comment on the proposed form for at least 60 days after
20 publication of the notice. The following shall apply:

21 (i) In addition to submitting for publication notice
22 of the initial form in the Pennsylvania Bulletin, the
23 department shall serve a copy of the form to the Health
24 and Human Services Committee of the Senate and the Health
25 Committee of the House of Representatives.

26 (ii) Within 60 days after the close of the comment
27 period, the department shall submit for publication a
28 subsequent notice in the Pennsylvania Bulletin that
29 responds to each comment the department has received. In
30 providing responses to each comment, the department shall

1 indicate the reasons for adopting or rejecting the
2 recommendations made during the comment period. The
3 department shall submit for publication a final version
4 of the POLST form in the Pennsylvania Bulletin and on the
5 department's publicly accessible Internet website.

6 (2) The department shall comply with the procedures
7 under paragraph (1) for updates to the POLST form.

8 (3) The adoption of the initial POLST form and any
9 subsequent updates to the POLST form shall be exempt from the
10 following:

11 (i) Article II of the act of July 31, 1968
12 (P.L.7569, No.240) known as the Commonwealth Documents
13 Law.

14 (ii) Sections 204(b) and 301(10) of the act of
15 October 15, 1980 (P.L.950, No.164), known as the
16 Commonwealth Attorneys Act.

17 (iii) The act of June 25, 1982 (P.L.633, No .181),
18 known as the Regulatory Review Act.

19 (iv) Section 612 of the act of April 9, 1929 (P.L.
20 177, No. 175), known as The Administrative Code of 1929.

21 (g) POLST forms.--POLST forms executed prior to the
22 effective date of this section shall be recognized as valid
23 POLST forms and shall have full force and effect as if executed
24 on or after the effective date of this section.

25 (h) Printed copies.--The POLST form may not be required to
26 be obtained exclusively from the department or any particular
27 vendor. The department shall provide a process for the POLST
28 form to be downloaded free of charge from a publicly accessible
29 Internet website.

30 § 5498.1. Education about POLST.

1 (a) General rule.--In consultation with the committee, the
2 department shall develop, and periodically update when
3 appropriate, educational materials about POLST for patients,
4 surrogate decision makers, health care providers and the public.

5 (b) Basic education.--The department shall make its basic
6 educational materials available in alternative formats that are
7 accessible to persons with a disability. The department's POLST
8 educational materials shall include basic information that
9 explains and provides guidance on the following:

10 (1) The definition of a POLST, including the types of
11 medical interventions that may be covered.

12 (2) How a POLST is an immediately actionable medical
13 order and is valid and portable across all patient settings.

14 (3) When a POLST may be useful and appropriate and when
15 a POLST may not be appropriate.

16 (4) The differences between a POLST and an advance
17 health care directive.

18 (5) The voluntary consent requirement, including a
19 patient's right to refuse to execute a POLST without adverse
20 consequences under section 5495(b) and (d) (relating to
21 voluntary consent requirement).

22 (6) The importance of a shared decision-making process
23 to assure understanding and voluntary consent by patients and
24 surrogate decision makers.

25 (7) When review of a POLST is required or recommended.

26 (8) The obligation of health care providers to comply
27 with a POLST under this subchapter.

28 (9) Legal requirements for surrogate decision making.

29 (10) Appropriate inclusion of patients, to the extent
30 possible, regardless of their physical or mental condition,

1 in decision making when decisions are made on their behalf by
2 surrogate decision makers.

3 (c) Training recommendations.--The department's educational
4 materials shall include recommendations for training of health
5 care practitioners and others who educate patients about POLST
6 or assist in completion of a POLST form to assure that they have
7 the practiced skills of those conversations and understand the
8 applicable law, medical issues and treatments covered by a
9 POLST. These materials shall incorporate information consistent
10 with the findings in section 5492(9) through (16) (relating to
11 legislative findings and intent).

12 (d) Other resources.--The department may provide information
13 about the availability of educational materials from other
14 sources, such as non-profit organizations that provide
15 education, training and resources for POLST programs.
16 § 5498.2. Requirements for valid POLST.

17 (a) General rule.--To be valid, a POLST shall require each
18 of the following:

19 (1) Use of the POLST form, except as provided under
20 section 5498.5 (relating to copies of orders), section
21 5498.15 (relating to POLST executed under prior POLST form),
22 section 5498.16 (related to POLST executed under PLSWC form)
23 and section 5498.17 (related to POLST executed in another
24 state or jurisdiction).

25 (2) Completion of the medical order section regarding
26 cardiopulmonary resuscitation.

27 (3) The date and signature of a health care practitioner
28 in accordance with section 5498.6 (related to signature
29 options), except as provided under subsection (b).

30 (4) The date and signature of the patient or a surrogate

1 decision maker in accordance with section 5498.6, except as
2 provided under subsection (c).

3 (b) Verbal orders.--A verbal order is effective from the
4 date given without countersignature until the expiration of the
5 period of countersignature set forth under paragraph (2) or (3).
6 A health care practitioner's verbal order for a POLST shall be
7 deemed to meet the requirements of subsection (a)(2) if all of
8 the following requirements are met:

9 (1) The order is entered for a patient receiving care
10 from a health care facility.

11 (2) The order is documented on the POLST form and
12 countersigned by the health care practitioner in accordance
13 with any applicable laws and regulations governing the health
14 care facility, including but not limited to a timeframe in
15 which the order must be countersigned.

16 (3) No law or regulation governing the health care
17 facility establishes a time limit in which the order must be
18 countersigned, and the order is countersigned by the health
19 care practitioner within seven days.

20 (c) Verbal consent.--A surrogate decision maker's verbal
21 consent for a POLST shall be deemed to satisfy the requirements
22 of subsection (a)(4) if all of the following requirements are
23 met:

24 (1) Obtaining the signature of the surrogate decision
25 maker is not feasible in a timely manner.

26 (2) The consent is documented on the POLST form by the
27 health care facility in accordance with its policies and
28 procedures.

29 (3) The signature of the surrogate decision maker is
30 obtained as soon as feasible.

1 (d) Effectiveness.--A POLST shall be effective on the date
2 it meets the requirement of this section.

3 § 5498.3. Portability.

4 (a) General rule.--A POLST executed in accordance with this
5 subchapter shall be valid anywhere within this Commonwealth,
6 including, but not limited to, all health care facilities, the
7 patient's residence and other care settings outside of a health
8 care facility, and while the patient is in transit from one
9 health care facility or care setting to another.

10 (b) Authority of health care practitioners.--A POLST
11 executed in accordance with this subchapter shall be valid in a
12 health care facility regardless of whether the health care
13 practitioner who signed the order has clinical privileges with
14 the health care facility.

15 (c) Other orders.--This subchapter does not prohibit a do-
16 not-resuscitate or other order issued for care within a health
17 care facility from being valid and actionable within that health
18 care facility in accordance with the laws and regulations
19 governing the health care facility.

20 § 5498.4. Team care.

21 A health care facility may designate individuals who have
22 been trained in a manner consistent with section 5498.1(c)
23 (relating to education about POLST), including, but not limited
24 to, nurses and social workers, to participate in conversations
25 with a patient or the patient's surrogate decision maker
26 regarding a POLST or assisting in completion of the POLST form.

27 § 5498.5. Copies of orders.

28 A copy of a POLST, including a photocopy, a facsimile or
29 other electronic copy, shall be as effective as the original
30 POLST.

1 § 5498.6. Signature options.

2 (a) Options.--A signature required by section 5498.2
3 (relating to requirements for valid POLST) may be provided by a
4 hand-written signature or any other means allowed under this
5 section.

6 (b) Patient unable to sign.--If a patient is unable to sign
7 by a written signature, it shall be sufficient for:

8 (1) the patient to sign by a mark; or

9 (2) another individual to sign for the patient if that
10 patient specifically directs the other individual to sign the
11 POLST for the patient.

12 (c) Electronic signatures.--In the case of a patient
13 receiving care from a health care facility, a signature on a
14 POLST may be obtained by any electronic means that is authorized
15 by the policies and procedures of the facility and is consistent
16 with the laws governing the facility, including, but not limited
17 to, a digitized signature and a digital signature. A copy of the
18 POLST shall show a representative image of the signature in the
19 applicable signature field.

20 § 5498.7. Standards for surrogate decision makers.

21 (a) General rule.--When making a decision about a POLST on
22 behalf of a patient, a surrogate decision maker shall comply
23 with all applicable legal requirements for health care decision
24 making by a surrogate decision maker, including, but not limited
25 to, those provided under subsection (b), and the decisions of
26 the surrogate decision maker are subject to all applicable legal
27 restrictions on decisions by a surrogate decision maker.

28 (b) Specific laws.--Surrogate decision makers must comply
29 with the following:

30 (1) Subchapter C (relating to health care agents and

1 representatives), including but not limited to:

2 (i) Section 5456(c) (relating to authority of health
3 care agent).

4 (ii) Section 5461(c) (relating to decisions by
5 health care representative).

6 (iii) Section 5462(c) (relating to duties of
7 attending physician and health care provider).

8 (2) Chapter 55 (relating to incapacitated persons).

9 (c) Minors.--A surrogate decision maker for an unemancipated
10 minor shall be subject to the requirements and restrictions
11 applicable to a health care representative for an adult when
12 making a decision about a POLST on behalf of the minor.

13 (d) Competent patient.--This section does not limit the
14 right of a competent patient to consent to a POLST.

15 § 5498.8. Revocation.

16 (a) Consent.--A patient or a surrogate decision maker acting
17 within his decision-making authority may revoke consent to all
18 or part of a POLST at any time and in any manner that
19 communicates an intent to revoke.

20 (b) Notice.--A health care ~~professional~~ PROVIDER or <--
21 surrogate decision maker who is informed of a revocation shall
22 promptly communicate the fact of the revocation to any attending
23 health care ~~professional~~ PROVIDER and to any health care <--
24 facility from which the patient is receiving care.

25 (c) Implementation.--A health care provider that is notified
26 of a POLST revocation shall record that the POLST is void in any
27 medical records containing the order that are maintained by the
28 health care provider.

29 § 5498.9. Transfer requirements.

30 (a) Notice of POLST.--A health care facility that transfers

1 a patient with a POLST to another health care facility shall
2 provide the POLST to the receiving facility and any health care
3 providers who are responsible for the patient's care during
4 transport to the receiving facility. The notice of the order
5 shall be provided prior to the transfer, or, if prior notice is
6 not feasible, as soon as feasible thereafter.

7 (b) Compliance.--The requirements of section 5498.11
8 (relating to compliance) shall apply in the event that the
9 receiving health care provider or health care provider involved
10 in the transfer is unable in good conscience to comply with the
11 POLST or the policies of the health care provider preclude
12 compliance.

13 § 5498.10. Review requirements.

14 (a) Mandatory review.--In the event a patient with a POLST
15 is admitted or transferred to a health care facility, the
16 treating health care ~~professional~~ PROVIDER at the health care <--
17 facility shall review the POLST as soon as feasible with the
18 patient or the patient's authorized surrogate decision maker.
19 The POLST shall remain effective unless and until modified or
20 voided as a result of the review.

21 (b) Recommended review.--In consultation with the committee,
22 the department shall develop recommendations for other
23 situations in which it is appropriate or advisable for a POLST
24 to be reviewed, giving consideration to the following
25 circumstances:

- 26 (1) A substantial change in the patient's health status.
27 (2) A change in the patient's goals of care or treatment
28 preferences.

29 § 5498.11. Compliance.

30 (a) Notification by attending physician or health care

1 provider.--If an attending physician or other health care
2 provider cannot in good conscience comply with a POLST or if the
3 policies of a health care provider preclude compliance with a
4 POLST, the attending physician or health care provider shall so
5 inform the patient, if the patient is competent, and any
6 surrogate decision maker who consented to the order on behalf of
7 the patient.

8 (b) Transfer.--The attending physician or health care
9 provider under subsection (a) shall make every reasonable effort
10 to assist in the transfer of the patient to another physician or
11 health care provider who will comply with the POLST.

12 (c) Liability.--If transfer under subsection (b) is
13 impossible, the provision of care necessary to sustain life to a
14 patient may not subject an attending physician or a health care
15 provider to criminal or civil liability or administrative
16 sanction for failure to carry out the POLST.

17 (d) Policies.--The department shall require health care
18 facilities to have policies and procedures for implementation of
19 a POLST.

20 § 5498.12. Emergency medical services.

21 (a) Medical command instructions.--Notwithstanding the
22 absence of a do-not-resuscitate order in a POLST, emergency
23 medical services providers shall at all times comply with the
24 instructions of an authorized medical command physician to
25 withhold or discontinue resuscitation.

26 (b) Effect of POLST do-not-resuscitate order.--The following
27 shall apply:

28 (1) Emergency medical services providers shall comply
29 with a do-not-resuscitate order in a POLST if made aware of
30 the order. In order to be in compliance with the do-not-

1 resuscitate order in a POLST, an emergency medical service
2 provider must:

3 (i) withhold cardiopulmonary resuscitation from the
4 patient in the event of respiratory and cardiac arrest;

5 or

6 (ii) discontinue and cease cardiopulmonary
7 resuscitation, in the event the emergency medical
8 services provider is presented with a do-not-resuscitate
9 order in a POLST after initiating cardiopulmonary
10 resuscitation.

11 (2) Emergency medical services providers shall provide
12 other medical interventions necessary and appropriate to
13 provide comfort and alleviate pain, including intravenous
14 fluids, medications, oxygen and any other intervention
15 appropriate to the level of the certification of the
16 provider, unless otherwise directed by the patient or the
17 emergency medical services provider's authorized medical
18 command physician.

19 (c) Uncertainty regarding validity or applicability of do-
20 not resuscitate order in POLST.--The following shall apply:

21 (1) Emergency medical services providers who in good
22 faith are uncertain about the validity or applicability of a
23 do-not-resuscitate order in a POLST shall render care in
24 accordance with their level of certification.

25 (2) Emergency medical services providers who act under
26 paragraph (1) may not be subject to civil or criminal
27 liability or administrative sanction for failure to comply
28 with a do-not-resuscitate order in a POLST.

29 (d) Uncertainty regarding validity or applicability of
30 POLST.--Emergency medical services providers are not required

1 to, but may if they deem it necessary, contact their medical
2 command physician prior to complying with a POLST.

3 § 5498.13. Immunity.

4 (a) Compliance.--A health care provider or other person may
5 not be subject to civil or criminal liability or to discipline
6 for unprofessional conduct for complying with a POLST based upon
7 the good faith assumption that the orders therein were valid
8 when made and have not been revoked or terminated.

9 (b) Noncompliance.--A health care provider or other person
10 may not be subject to civil or criminal liability or to
11 discipline for unprofessional conduct for refusing to comply
12 with a POLST on the good faith belief that:

13 (1) The POLST is not valid.

14 (2) Compliance with the POLST would be unethical or, to
15 a reasonable degree of medical certainty, would result in
16 medical care having no medical basis in addressing any
17 medical need or condition of the patient, provided that the
18 health care provider complies in good faith with sections
19 5462(c) (relating to duties of attending physician and health
20 care provider) and 5498.11 (relating to compliance).

21 (c) Other protection.--This section does not limit the
22 immunity available to a health care provider or person under
23 sections 5431 (relating to liability) or 5498.12(c)(2) (relating
24 to emergency medical services).

25 § 5498.14. Conflict with advance health care directive.

26 If a POLST conflicts with a provision of an advance health
27 care directive, the provision of the instrument latest in date
28 of execution shall prevail to the extent of the conflict.

29 § 5498.15. POLST executed under prior POLST form.

30 A POLST executed on a POLST form that was valid when executed

1 shall remain valid even if the department subsequently adopts a
2 revised form.

3 § 5498.16. POLST executed under PLSWC form.

4 (a) Validity.--Except as provided under subsection (b), a
5 POLST executed on the PLSWC form prior to the adoption of a
6 POLST form under this subchapter is effective to the same extent
7 as it would be effective if executed on the POLST form.

8 (b) Emergency medical services providers.--Emergency medical
9 services providers are not required to, but may if they deem it
10 necessary, contact their medical command physician prior to
11 complying with a POLST executed on the PLSWC form.

12 (c) Immunity.--For purposes of the immunity under sections
13 5431 (relating to liability) and 5498.13 (relating to immunity),
14 a POLST executed on the PLSWC form shall be deemed to be a POLST
15 executed under this subchapter.

16 § 5498.17. POLST executed in another state or jurisdiction.

17 (a) Validity.--Except as provided under subsection (b), a
18 health care provider may comply with a POLST, or its substantial
19 equivalent executed under the laws of another state or
20 jurisdiction and in conformity with the laws of that state or
21 jurisdiction, if:

22 (1) the order meets the requirements of section
23 5498.2(a)(2) through (4) (relating to requirements for valid
24 POLST); and

25 (2) the health care provider consults, as soon as
26 feasible, with the patient if competent and any surrogate
27 decision maker regarding continued compliance with the order.

28 (b) Exception.--Subsection (a) shall not apply to orders
29 executed in another state or jurisdiction to the extent that the
30 order directs procedures or the withholding or withdrawal of

1 procedures under circumstances that are inconsistent with the
2 laws of this Commonwealth, including, but not limited to,
3 section 5498.7 (relating to standards for surrogate decision
4 makers).

5 (c) Immunity.--For purposes of the immunity under section
6 5431 (relating to liability) and section 5498.13 (related to
7 immunity), a POLST, or its substantial equivalent that was
8 executed under the laws of another state or jurisdiction and is
9 valid under subsections (a) and (b), shall be deemed to be a
10 POLST executed under this subchapter.

11 § 5498.18. POLST registry study.

12 (a) Study.--In consultation with the committee and the
13 Pennsylvania eHealth Partnership Authority, the department shall
14 study the feasibility and cost of creating an Internet-based
15 POLST registry that would allow health care providers caring for
16 a patient to obtain a current POLST for the patient.

17 (b) Report.--The department shall report the results of its
18 study to the Health and Human Services Committee of the Senate
19 and the Health Committee of the House of Representatives. The
20 department shall report the status of the study to the
21 committees at least every 180 days until the final results are
22 reported.

23 Section 7. This act shall take effect as follows:

24 (1) The following provisions shall take effect
25 immediately:

26 (i) This section.

27 (ii) The addition of 20 Pa.C.S. § 5496.

28 (2) The remainder of this act shall take effect in 90
29 days.