

1 AN ACT relating to medical procedures.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 311.625 is amended to read as follows:

4 (1) A living will directive made pursuant to KRS 311.623 shall be substantially in the  
5 following form, and may include other specific directions which are in accordance  
6 with accepted medical practice and not specifically prohibited by any other statute.  
7 If any other specific directions are held by a court of appropriate jurisdiction to be  
8 invalid, that invalidity shall not affect the directive.

9 "Living Will Directive

10 My wishes regarding life-prolonging treatment and artificially provided nutrition and  
11 hydration to be provided to me if I no longer have decisional capacity, have a terminal  
12 condition, or become permanently unconscious have been indicated by checking and  
13 initialing the appropriate lines below. By checking and initialing the appropriate lines, I  
14 specifically:

15 .... Designate ..... as my health care surrogate(s) to make health care decisions  
16 for me in accordance with this directive when I no longer have decisional capacity. If  
17 ..... refuses or is not able to act for me, I designate ..... as  
18 my health care surrogate(s).

19 Any prior designation is revoked.

20 If I do not designate a surrogate, the following are my directions to my attending  
21 physician. If I have designated a surrogate, my surrogate shall comply with my wishes as  
22 indicated below:

23 .... Direct that treatment be withheld or withdrawn, and that I be permitted to die naturally  
24 with only the administration of medication or the performance of any medical treatment  
25 deemed necessary to alleviate pain.

26 .... DO NOT authorize that life-prolonging treatment be withheld or withdrawn.

27 .... Authorize the withholding or withdrawal of artificially provided food, water, or other

1 artificially provided nourishment or fluids.

2 .... DO NOT authorize the withholding or withdrawal of artificially provided food, water,  
3 or other artificially provided nourishment or fluids.

4 .... Authorize my surrogate, designated above, to withhold or withdraw artificially  
5 provided nourishment or fluids, or other treatment if the surrogate determines that  
6 withholding or withdrawing is in my best interest; but I do not mandate that withholding  
7 or withdrawing.

8 .... Authorize the giving of all or any part of my body upon death for any purpose  
9 specified in KRS 311.1929.

10 .... DO NOT authorize the giving of all or any part of my body upon death.

11 In the absence of my ability to give directions regarding the use of life-prolonging  
12 treatment and artificially provided nutrition and hydration, it is my intention that this  
13 directive shall be honored by my attending physician, my family, and any surrogate  
14 designated pursuant to this directive as the final expression of my legal right to refuse  
15 medical or surgical treatment and I accept the consequences of the refusal.

16 If I have been diagnosed as pregnant and that diagnosis is known to my attending  
17 physician, this directive shall have no force or effect during the course of my pregnancy.

18 I understand the full import of this directive and I am emotionally and mentally  
19 competent to make this directive.

20 Signed this .... day of ....., 19...

21 Signature and address of the grantor.

22 In our joint presence, the grantor, who is of sound mind and eighteen (18) years of age, or  
23 older, voluntarily dated and signed this writing or directed it to be dated and signed for  
24 the grantor.

25 Signature and address of witness.

26 Signature and address of witness.

27 OR

1 STATE OF KENTUCKY)

2 .....County)

3 Before me, the undersigned authority, came the grantor who is of sound mind and  
4 eighteen (18) years of age, or older, and acknowledged that he or she voluntarily dated  
5 and signed this writing or directed it to be signed and dated as above.

6 Done this .... day of ....., 19...

7 Signature of Notary Public or other officer.

8 Date commission expires:.....

9 Execution of this document restricts withholding and withdrawing of some medical  
10 procedures. Consult Kentucky Revised Statutes or your attorney."

11 (2) An advance directive shall be in writing, dated, and signed by the grantor, or at the  
12 grantor's direction, and either witnessed by two (2) or more adults in the presence of  
13 the grantor and in the presence of each other, or acknowledged before a notary  
14 public or other person authorized to administer oaths. None of the following shall  
15 be a witness to or serve as a notary public or other person authorized to administer  
16 oaths in regard to any advance directive made under this section:

- 17 (a) A blood relative of the grantor;
- 18 (b) A beneficiary of the grantor under descent and distribution statutes of the  
19 Commonwealth;
- 20 (c) An employee of a health care facility in which the grantor is a patient, unless  
21 the employee serves as a notary public;
- 22 (d) An attending physician of the grantor; or
- 23 (e) Any person directly financially responsible for the grantor's health care.

24 (3) A person designated as a surrogate pursuant to an advance directive may resign at  
25 any time by giving written notice to the grantor; to the immediate successor  
26 surrogate, if any; to the attending physician; and to any health care facility which is  
27 then waiting for the surrogate to make a health care decision.

- 1 (4) An employee, owner, director, or officer of a health care facility where the grantor  
2 is a resident or patient shall not be designated or act as surrogate unless related to  
3 the grantor within the fourth degree of consanguinity or affinity or a member of the  
4 same religious or fraternal order.