

APA-1
4/18

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-5-19-03

Rule Title Pediatric Palliative and End of Life (PPEL) Care Orders

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer



Date

7/10/19

FORM APA2
10/17

STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-5-19-.03, Pediatric Palliative and End of Life (PPEL) Care Orders

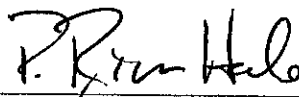
INTENDED ACTION: To amend the current rules

SUBSTANCE OF PROPOSED ACTION: This amendment will allow the portability of PPEL Care Orders.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held on August 29, 2019, at 10:00 a.m., at the RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on September 4, 2019. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Dennis Blair, Office of Health Provider Standards, Department of Public Health, P.O. Box 303017, Montgomery, Alabama 36130-3017, Telephone number: (334) 206-5366.



P. Brian Hale, Agency Secretary

**420-5-19-.03 ~~Orders for Pediatric Palliative and End of Life~~
(PPEL) Care Orders.**

(1) Definitions.

(a) Attending Physician. The physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

(b) Health Care Provider. A person who is licensed, certified, registered, or otherwise authorized by the law of this state to administer or provide health care in the ordinary course of business or in the practice of a profession.

(c) ~~Order for~~ Pediatric Palliative and End of Life (PPEL) Care Order. A directive that, once executed by the representative of a qualified minor and entered into the record by the attending physician of the qualified minor in accordance with Section 22-8A-15, Code of Alabama 1975, becomes the medical order for all health care providers with respect to the extent of use of emergency medical equipment and treatment, medication, and any other technological or medical interventions available to provide palliative and supportive care to the qualified minor.

(d) Physician. A person licensed to practice medicine and osteopathy in the state of Alabama.

(e) Qualified Minor. An individual ranging in age from birth until the age of 19 who has been diagnosed as a terminally ill or injured patient and whose diagnosis has been confirmed by at least one additional physician who is not the patient's attending physician.

(f) Representative of a Qualified Minor. Any of the following:

1. A parent of a qualified minor whose medical decision-making rights have not been restricted.

2. A legal guardian of a qualified minor.

3. A person acting as a parent, as the term is defined in Section 30-3B-102, Code of Alabama 1975, of a qualified minor.

(2) Representatives of qualified minors seeking to execute ~~an Order for~~ a PPEL Care Order, and attending physicians intending to enter ~~an Order for~~ a PPEL Care Order into the medical record of a qualified minor, shall utilize the form attached hereto as Appendix III which, when properly completed and executed, shall constitute the ~~Order for~~ PPEL Care Order authorized by Act 2018-466.

(3) PPEL Care Orders issued in accordance with this rule shall remain valid and in effect until revoked pursuant to Section 22-8A-5, Code of Ala. 1975, or by other recognized means. Qualified emergency medical services personnel and individual licensed health care providers in any facility including those operated, licensed, or owned by another state agency are authorized to follow PPEL Care Orders that are available, known to them, and executed in accordance with this rule.

(4) If a person with a PPEL Care Order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer must communicate the existence of the order to the receiving facility prior to, during, or as soon as reasonably possible after the transfer. Upon obtaining a copy of a PPEL Care Order, the receiving facility shall make the order a part of the patient's medical record.

Author: Dennis Blair

Statutory Authority: Act 2018-466

History: New Rule: Filed April 18, 2019; effective June 2, 2019. **Amended:** XX-XX-XXXX.