

20 Pa.C.S. § 5422
Definitions

The following words and phrases when used in 20 Pa.C.S. Chapter 54 shall have the meanings given to them in § 5422 unless the context clearly indicates otherwise:

Advance health care directive—A health care power of attorney, living will or a written combination of a health care power of attorney and living will.

Attending physician—The physician who has primary responsibility for the health care of a principal or patient.

Bracelet—An out-of-hospital do-not-resuscitate bracelet as defined under section 5483 (relating to definitions).

Cardiopulmonary resuscitation—Any of the following procedures:

- (1) Cardiac compression.
- (2) Invasive airway technique.
- (3) Artificial ventilation.
- (4) Defibrillation.
- (5) Any other procedure related to those set forth in paragraphs (1) through (4).

Competent—A condition in which an individual, when provided appropriate medical information, communication supports and technical assistance, is documented by a health care provider to do all of the following:

- (1) Understand the potential material benefits, risks and alternatives involved in a specific proposed health care decision.
- (2) Make that health care decision on his own behalf.
- (3) Communicate that health care decision to any other person.

This term is intended to permit individuals to be found competent to make some health care decisions, but incompetent to make others.

DNR—Do not resuscitate.

Emergency medical services provider—As defined under section 5483 (relating to definitions).

End-stage medical condition—An incurable and irreversible medical condition in an advanced state caused by injury, disease or physical illness that will, in the opinion of the attending physician to a reasonable degree of medical certainty, result in death, despite the introduction or continuation of medical treatment. Except as specifically set forth in an advance health care directive, the term is not intended to preclude treatment of a disease, illness or physical, mental, cognitive or intellectual condition, even if incurable and

irreversible and regardless of severity, if both of the following apply:

- (1) The patient would benefit from the medical treatment, including palliative care.
- (2) Such treatment would not merely prolong the process of dying.

Health care—Any care, treatment, service or procedure to maintain, diagnose, treat or provide for physical or mental health, custodial or personal care, including any medication program, therapeutical and surgical procedure and life-sustaining treatment.

Health care agent—An individual designated by a principal in an advance health care directive.

Health care decision—A decision regarding an individual's health care, including, but not limited to, the following:

- (1) Selection and discharge of a health care provider.
- (2) Approval or disapproval of a diagnostic test, surgical procedure or program of medication.
- (3) Directions to initiate, continue, withhold or withdraw all forms of life-sustaining treatment, including instructions not to resuscitate.

Health care power of attorney—A writing made by a principal designating an individual to make health care decisions for the principal.

Health care provider—A person who is licensed, certified or otherwise authorized by the laws of this Commonwealth to administer or provide health care in the ordinary course of business or practice of a profession. The term includes personnel recognized under the act of July 3, 1985 (P.L. 164, No. 45), known as the Emergency Medical Services Act.

Health care representative—An individual authorized under section 5461 (relating to decisions by health care representative) to make health care decisions for a principal.

Incompetent—A condition in which an individual, despite being provided appropriate medical information, communication supports and technical assistance, is documented by a health care provider to be:

- (1) Unable to understand the potential material benefits, risks and alternatives involved in a specific proposed health care decision;
- (2) Unable to make that health care decision on his own behalf; or
- (3) Unable to communicate that health care decision to any other person.

The term is intended to permit individuals to be found incompetent to make some health care decisions, but competent to make others.

Invasive airway technique—Any advanced airway technique, including endotracheal

intubation.

Life-sustaining treatment—Any medical procedure or intervention that, when administered to a patient or principal who has an end-stage medical condition or is permanently unconscious, will serve only to prolong the process of dying or maintain the individual in a state of permanent unconsciousness. In the case of an individual with an advance health care directive or order, the term includes nutrition and hydration administered by gastric tube or intravenously or any other artificial or invasive means if the advance health care directive or order so specifically provides.

Living will—A writing made in accordance with this chapter that expresses a principal's wishes and instructions for health care and health care directions when the principal is determined to be incompetent and has an end-stage medical condition or is permanently unconscious.

Medical command physician—A licensed physician who is authorized to give a medical command under the act of July 3, 1985 (P.L. 164, No. 45), known as the Emergency Medical Services Act.

Necklace—An out-of-hospital do-not-resuscitate necklace as defined under section 5483 (relating to definitions).

Order—An out-of-hospital do-not-resuscitate order as defined under section 5483 (relating to definitions).

Patient—An out-of-hospital do-not-resuscitate patient as defined under section 5483 (relating to definitions).

Permanently unconscious—A medical condition that has been diagnosed in accordance with currently accepted medical standards and with reasonable medical certainty as total and irreversible loss of consciousness and capacity for interaction with the environment. The term includes, without limitation, an irreversible vegetative state or irreversible coma.

Person—Any individual, corporation, partnership, association or other similar entity, or any Federal, State or local government or governmental agency.

Principal—An individual who executes an advance health care directive, designates an individual to act or disqualifies an individual from acting as a health care representative or an individual for whom a health care representative acts in accordance with this chapter.

Reasonably available—Readily able to be contacted without undue effort and willing and able to act in a timely manner considering the urgency of the individual's health care needs.