

TITLE 3: HUMAN RESOURCES
DIVISION 2: HEALTH

§ 2861. Definitions.

(a) *Anticipated death* means a death caused by a life-limiting illness, infirmity, or disease, as certified by the attending physician that he discussed a prognosis of terminal condition with the patient and the patient's family, and that the patient consented to a "No Resuscitation" order or has executed a Declaration or an Advanced Directive to that effect.

(b) *Attending physician* means the physician who has primary responsibility for the treatment and care of the patient.

(c) *Declaration* means a writing executed in accordance with the requirements of subdivision (a) of 3 CMC § 2862.

(d) *Health care provider* means a person who is licensed, certified or otherwise authorized by the laws of this Commonwealth to administer health care in the ordinary course of business or practice of a profession.

(e) *Hospice* means a program of palliative and supportive care for terminally ill persons and their families and/or caregivers.

(f) *Life-sustaining treatment* means any medical procedure or intervention that, when administered to a qualified patient, will serve only to prolong the process of dying or an irreversible coma or persistent vegetative state. Life-sustaining treatment shall not include hospice care or the administration of medication or the performance of any medical procedure deemed necessary to prevent or alleviate pain, reduce the severity of disease symptoms, improve quality of life, or provide for nutrition or hydration.

(g) *Permanent unconscious condition* means an incurable and irreversible condition that, within reasonable medical judgment, renders the patient in an irreversible coma or persistent vegetative state.

(h) *Person* means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(i) *Physician* means an individual licensed to practice medicine in the Commonwealth of the Northern Mariana Islands.

(j) *Qualified patient* means a patient who has executed a declaration and who has been diagnosed and certified in writing by the attending physician and a second physician who has personally examined the patient to be in a terminal condition or permanent unconscious condition.

(k) *State* means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(l) *Terminal condition* means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, within reasonable medical judgment, result in death within a relatively short time.

Source: PL 17-35 § 3(2801) (March 23, 2011), modified.

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Commission Comment: The Commission changed the chapter and designations in PL 17-35 pursuant to its authority under 1 CMC 3806(a) because Chapter 8 and the 2800 sequence in this title were already in use. The Commission also changed capitalization, italics and section references in this section.

PL 17-35, entitled the Medical Consent Act of 2010, was enacted on March 23, 2011. The law included the following section:

Section 2. Findings and Purposes.

(a) The Legislature finds that an adult person has the fundamental right to control the decisions to the rendering of his or her own medical care, including the decision to have life sustaining treatment withheld or withdrawn in instances of a terminal condition or permanent unconscious condition. This right extends to parents and other adults who are legally responsible for the well-being of patients who are unmarried, unemancipated minors.

(b) The Legislature further finds that modern medical technology has made possible the artificial prolongation of human life beyond natural limits.

(c) The Legislature further finds that, in the interest of protecting individual autonomy, such prolongation of the process of dying for a person with a terminal condition or permanent unconscious condition for whom continued medical treatment does not improve the prognosis for recovery may violate patient dignity and cause unnecessary pain and suffering, while providing nothing medically necessary or beneficial to the person.

(d) In recognition of the dignity and privacy that a person has a right to expect, the Legislature hereby declares that the laws of the Commonwealth of the Northern Mariana Islands shall recognize the right of any adult person to make a written Determination instructing his or her physician to withhold or withdraw life-sustaining treatment in the event of a terminal condition or permanent unconscious condition, in the event that the person is unable to make those decisions for himself or herself.

(e) The Legislature further declares that, in the absence of controversy, a court normally is not the proper forum in which to make decisions regarding life-sustaining treatment.

(f) To avoid treatment that is not desired by a person in a terminal condition or permanent unconscious condition, the Legislature declares that this chapter is in the interest of the public health and welfare.

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(g) The Legislature further finds that the family should be encouraged to openly express their opinion and concerns with the individual. It recognizes the importance family plays in supporting the decision of the individual.

(h) The Legislature creates, recognizes and supports a patient's right to remove himself/herself from a hospital or other facility upon certification of his/her anticipated death by his/her attending physician.