



Final Regulation Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation	12 VAC 5 -66
Regulation title	Regulations Governing Durable Do Not Resuscitate Orders
Action title	Comprehensive amending and revisions addressing the issuance and honoring of Durable Do Not Resuscitate Orders
Date this document prepared	June 2010

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

Since the inception of the Durable Do Not Resuscitate (DDNR) program, the use and understanding of the intent and applicability have undergone continuous and evolving interpretation. The purpose for amending and revising portions of this regulation are to highlight corrections in terminology, to clarify in the honoring of the DDNR by all levels of healthcare providers, and to utilize current technology to obtain and utilize the DDNR form(s).

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The State Health Commissioner, vested with the authority of the State Board of Health pursuant to § 32.1-20 of the Code of Virginia, adopted these as final regulations on July 16, 2010. The State Board of Health is hereby adopting the Regulations Governing Durable Do Not Resuscitate Orders that appear in 12VAC5-66 effective October 1, 2010.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

§ 54.1- 2987.1 Durable Do Not Resuscitate Orders states in part, the ability for healthcare practioners to honor the DDNR order.
§ 32.1-111.4 Regulations, Emergency Medical Services Personnel and vehicles; Response times; Enforcement provisions; Civil penalties states in part that the Board of Health has authority to promulgate regulations for EMS personnel to follow Do Not Resuscitate Orders pursuant to § 54.1.2987.1.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The current process for honoring DDNR orders is hampered by the inability of various healthcare providers to understand the process of complying with an individual patient's end-of-life decision. Amending the process to include a less restrictive type of specialized form, improve the ability to utilize other valid written orders from the patient's physician and improve the ability to utilize legible electronic copies of DDNR forms will reduce confusion and streamline the efficiency in not only recognizing, but honoring a patient's end-of-life decisions.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

Substantive changes include the ability for physicians or licensed healthcare facilities to obtain the Board of Health DDNR form via the Internet and to allow legible electronic copies for DDNR to be recognized and exchanged between healthcare entities.

Issues

Please identify the issues associated with the proposed regulatory action, including:
 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;
 2) the primary advantages and disadvantages to the agency or the Commonwealth; and
 3) other pertinent matters of interest to the regulated community, government officials, and the public.
 If there are no disadvantages to the public or the Commonwealth, please indicate.

By enacting the proposed changes, there are no disadvantages to the public or the Commonwealth. Advantages include a process that increases the likelihood that healthcare providers will honor patients' end-of-life decisions in both the out-of-hospital and in-hospital settings.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
10	<p><u>"Alternate Durable DNR" means a Durable DNR bracelet or necklace issued by a vendor approved by the Virginia Office of Emergency Medical Services.</u></p> <p>"Durable Do Not Resuscitate Order Form" or "Durable DNR Order Form" means a written physician's order issued pursuant to § 54.1-2987.1 of the Code of Virginia in a form <u>form(s)</u> authorized by the board <u>Board</u> to withhold cardiopulmonary resuscitation from an individual in the event of cardiac or respiratory arrest. For purposes of this chapter, cardiopulmonary resuscitation shall include cardiac compression, endotracheal intubation and other advanced airway management, artificial ventilation, and defibrillation, <u>administration of cardiac</u></p>	<p><u>"Alternate Durable DNR" [jewelry] means a Durable DNR bracelet or necklace issued by a vendor approved by the Virginia Office of Emergency Medical Services. A Durable DNR Order [Form] must be obtained by the patient, from a physician, to obtain Durable DNR jewelry.</u></p> <p>"Durable Do Not Resuscitate Order [Form]" or "Durable DNR Order [Form]" means a written physician's order issued pursuant to § 54.1-2987.1 of the Code of Virginia in a <u>form or forms</u> authorized by the Board to withhold cardiopulmonary resuscitation from an individual in the event of cardiac or respiratory arrest. For purposes of this chapter, cardiopulmonary resuscitation shall include cardiac compression, endotracheal intubation and other advanced airway management, artificial ventilation, and <u>defibrillation, administration of cardiac resuscitative medications,</u> and related procedures. As the terms "advance directive" and</p>	<p>This is the term used most often in the body of the regulation.</p>

<p><u>resuscitative medications</u>, and related procedures. As the terms "advance directive" and "Durable Do Not Resuscitate Order" are used in this article, a Durable Do Not Resuscitate Order <u>Form or other Do Not Resuscitate Orders</u> is not and shall not be construed as an advance directive. When used in these regulations, the term "Durable DNR Order <u>Form</u>" shall include any authorized alternate form <u>Alternate Durable DNR Jewelry</u> issued in conjunction with an original Durable DNR Order form <u>Form</u>.</p> <p>"Incapable of making an informed decision" means the inability of an adult patient, because of mental illness, mental retardation, or any other mental or physical disorder that precludes communication or impairs judgment and that has been diagnosed and certified in writing by his physician with whom he has a bona fide physician/patient relationship and a second physician or licensed clinical psychologist after personal examination of such patient, to make an informed decision about providing, withholding or withdrawing a specific medical treatment or course of treatment because he is unable to understand the nature, extent or probable consequences of the proposed medical decision, or to make a rational evaluation of the risks and benefits of alternatives to that decision. For purposes of this article, persons who are deaf, dysphasic or have other communication disorders, who are otherwise mentally competent and able to communicate by means other than speech, shall not be</p>	<p>"Durable Do Not Resuscitate Order" are used in this article, a Durable Do Not Resuscitate Order [<u>Form</u>] or <u>other DNR Order</u> is not and shall not be construed as an advance directive. When used in these regulations, the term "Durable DNR Order [<u>Form</u>]" shall include any authorized alternate form of identification <u>Alternate Durable DNR [Jewelry jewelry]</u> issued in conjunction with an original Durable DNR Order form [<u>Form</u>].</p> <p>"Incapable of making an informed decision" means the inability of an adult patient, because of mental illness, mental retardation, or any other mental or physical disorder that precludes communication or impairs judgment [and that has been diagnosed and certified in writing by his physician with whom he has a bona fide physician/patient relationship and a second physician or licensed clinical psychologist after personal examination of such patient], to make an informed decision about providing, withholding, or withdrawing a specific medical treatment or course of treatment because he is unable to understand the nature, extent, or probable consequences of the proposed medical decision, or to make a rational evaluation of the risks and benefits of alternatives to that decision. For purposes of this article, persons who are deaf [; <u>or</u>] dysphasic or have other communication disorders [; <u>but</u>] who are otherwise mentally competent and able to communicate by means other than speech, shall not be considered incapable of making an informed decision. [<u>The determination that the patient is "incapable of making an informed decision" shall be made in accordance with § 54.1-2983.2.</u>]</p>	<p>Conforms to recent legislative changes.</p>
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	<p>considered incapable of making an informed decision.</p> <p><u>"Other Do Not Resuscitate Orders" or "Other Do Not Resuscitate Orders" means a written physician's order on a form other than the authorized state standardized Durable DNR Form. Other Do Not Resuscitate Orders must contain all the information required in subdivision 1 of 12VAC5-66-40 to be subject to these regulations.</u></p>	<p><u>"Other Do Not Resuscitate Order" or "Other DNR Order" means a written physician's order [not to resuscitate a patient in the event of cardiac or respiratory arrest] on a form other than the authorized state standardized Durable DNR Form [under policies and procedures of the health care facility to which the individual who is subject of the order has been admitted]. [An Other DNR form must contain all the information required in subdivision 1 of 12VAC5-66-40 to be covered by these regulations.]</u></p>	<p>Addressed within the context of the regulations.</p>
<p>40</p>	<p>B. Effective Period for a Signed Durable DNR Order Form - A signed Durable DNR Order shall remain valid until revoked;</p> <p>D. <u>Availability Displaying of the Durable DNR Order Form</u> - The original Durable DNR Order Form that complies with 12VAC5-66-50 or an <u>Alternate Durable DNR form</u> that complies with 12 VAC 5-66-60 shall be maintained and <u>displayed readily available</u> at the patient's current location or residence. <u>Within any facility, program or organization operated or licensed by the Board, or by the Department of Mental Health, Mental retardation and Substance Abuse Services or operated, licensed or owned by another state agency the Durable DNR Order Form, Alternate Durable DNR, or an Other Durable DNR Order should be readily available to the patient; in one of the places designated on the form, or should accompany the patient, if traveling. Photocopies of the Durable DNR Order may be given to other providers or</u></p>	<p>2. Effective Period for a Signed Durable DNR Order [Form] - A signed Durable DNR Order shall remain valid until revoked [<u>in accordance with § 54.1-2987.1 and 12VAC5-66-80 E or until rescinded, in accordance with accepted medical practice, by the provider who issued the Durable Do Not Resuscitate Order</u>].</p> <p>4. <u>Availability of the Durable DNR Order Form.</u> The original Durable DNR Order or an alternate form Form that complies with [12VAC5-66-50 this section] or [an] <u>Alternate Durable DNR [jewelry] that complies with [12VAC5-66-60 12VAC5-66-50] shall be maintained and displayed <u>readily available [to qualified health care personnel]</u> at the patient's current location or residence in one of the places designated on the form, or should accompany the patient, if traveling. Photocopies of the Durable DNR Order may be given to other providers or persons for information, with the express consent of the patient or the patient's designated agent or the person authorized to consent on the patient's behalf. However, such photocopies of the Durable DNR Order are not valid for withholding cardiopulmonary resuscitation. [Within any facility, program or organization operated or licensed by the State Board of Health or by DBHDS or operated,</u></p>	<p>Reflects legislative changes in language.</p>

<p>persons for information, with the express consent of the patient or the patient's designated agent or the person authorized to consent on the patient's behalf. However, such photocopies of the Durable DNR Order are not valid for withholding cardiopulmonary resuscitation.</p> <p><u>E. Qualified health care personnel may honor a legible photocopy of a Durable DNR Form or Other Durable DNR Order;</u></p> <p><u>F. A patient that is traveling outside their home or between health care facilities should have an original or photocopied Durable DNR Order Form or Other Durable DNR Order accompany them;</u></p> <p><u>G. Revocation of a Durable DNR Order Form - A Durable DNR Order Form may be revoked at any time by the patient (i) by physical cancellation physically destroying the Durable DNR Order Form cancellation or destruction by the patient or having another person in his/her presence and at his direction destroy of the Durable DNR Order Form and/or any alternate form of identification; or (ii) by oral expression of intent to revoke. The Durable DNR Order may also be revoked by the patient's designated agent or the person authorized to consent on the patient's behalf unless that person knows the patient would object to such revocation. If an Other Durable DNR Order exists and a patient or their authorized agent revokes the Durable DNR, health care personnel should assure the revocation is honored by updating or destroying the</u></p>	<p>licensed, or owned by another state agency, the Durable DNR Order Form, Alternate Durable DNR, or an Other Durable DNR Order should be readily available to the patient.]</p> <p><u>5. Qualified health care personnel may honor a legible photocopy of a Durable DNR Form or Other Durable DNR Order [as if it were an original];</u></p> <p><u>6. A patient who is traveling outside his home or between health care facilities should have an original or photocopied Durable DNR Order [Form or ,] Other Durable DNR Order [, or an Alternate Durable DNR jewelry] accompany him.</u></p> <p><u>[4. 7. Revocation of a Durable DNR Order Form - A Durable DNR Order may be revoked at any time by the patient (i) by physical cancellation physically destroying the Durable DNR Order Form or destruction by the patient or having another person in his presence and at his direction of destroy the Durable DNR Order Form and/or any alternate form of identification; or (ii) by oral expression of intent to revoke. The Durable DNR Order may also be revoked by the patient's designated agent or the person authorized to consent on the patient's behalf unless that person knows the patient would object to such revocation. If an Other Durable DNR Order exists and a patient or his authorized agent revokes the Durable DNR, health care personnel should assure the revocation is honored by updating or destroying the Other Durable DNR Order.]</u></p>	
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	<p><u>Other Durable DNR Order:</u></p> <p>H. Distribution of Durable DNR Order Forms – Authorized <u>The authorized Virginia Durable DNR Order Forms, with instructions,</u> shall be a <u>standardized form</u> available only to physicians. <u>for download via the internet from the Office of Emergency Medical Services Website. The downloadable form will contain directions for completing the form and three identical Durable DNR Order Forms; one form to be kept by the patient, the second to be placed in the patients permanent medical record and the third to be used for requesting an Alternate Durable DNR i.e. DNR necklace or bracelet;</u></p> <p><u>I. Hard copies of the Durable DNR Order Form shall be also available to physicians or licensed health care facilities by the Office of EMS. The Office of EMS may utilize a vendor to print and distribute the Durable DNT Order Form for a nominal fee can be charged to cover printing and shipping fees.</u></p>	<p>5. [8. 7.] <u>Distribution of Durable DNR Order Forms - Authorized <u>The authorized Virginia Durable DNR Forms, with instructions, Order Form</u> shall be a <u>standardized form</u> available only to physicians <u>for download via the Internet from the Office of Emergency Medical Services website. The downloadable form will contain directions for completing the form and three identical Durable DNR Order Forms: one [original] form to be kept by the patient, [;] the second to be placed in the patient's permanent medical record [;] and the third to be used [by the patient] for requesting [an] Alternate Durable DNR [jewelry].</u></u></p> <p>[9. 8.] <u>Hard copies of the Durable DNR Order Form shall also be made available to physicians or licensed health care facilities by the Office of EMS. The Office of EMS may utilize a vendor to print and distribute the Durable DNR Order Form and a nominal fee [can may] be charged [in an amount necessary] to cover printing and shipping fees.</u></p>	
<p>50</p>	<p>The Board authorizes the issuance use <u>use</u> of alternate forms of <u>Alternate Durable DNR Order identification</u> Jewelry <u>in conjunction with the issuance of Durable DNR Orders Order Forms. These alternate forms Alternate Durable DNR Jewelry items shall be uniquely-designed and uniquely-identifiable bracelets and necklaces that are available only from a vendor approved by the Virginia Department of Health, Office of EMS. These alternate forms of</u></p>	<p>The board authorizes the issuance use <u>use</u> of alternate forms of <u>Alternate Durable DNR Order identification [Jewelry jewelry]</u> in conjunction with the issuance of a Durable DNR Orders <u>Order [Forms]</u>. These alternate forms <u>Alternate Durable DNR [Jewelry jewelry] items</u> shall be uniquely-designed and uniquely-identifiable bracelets and necklaces that are available <u>only</u> from a vendor approved by the Virginia Department of Health, Office of EMS. These alternate forms of identification <u>The Alternate Durable DNR [Jewelry jewelry] must be purchased from the approved vendor by</u></p>	<p>Provides clarification based on public input.</p>

	<p>identification <u>The Alternate Durable DNR Jewelry</u> must be purchased from the approved vendor by the person to whom a Durable DNR Order <u>Form</u> applies, or that <u>the person authorized to consent on the patient's behalf, and in conjunction with a. An original Durable DNR Order Form must be obtained from a physician and provided to the vendor in order to receive Alternate Durable DNR Jewelry.</u> Such a necklace or bracelet may be utilized either to validate the Durable DNR Order <u>Form</u> or in place of an original Durable DNR Order <u>Form</u> in the event that the original order is not readily available at the site where the person to whom the order applies is found. In order to be honored by qualified health care personnel in place of the original standard <u>Durable DNR Order Form, this alternate form of identification the Alternate Durable DNR Jewelry</u> must contain the minimum information approved by the State Board of Health in <u>12VAC5-66-60.</u></p>	<p>the person to whom a Durable DNR Order <u>Form</u> applies or that <u>the person authorized to consent on the patient's behalf, and in conjunction with a. An original Durable DNR Order Form must be obtained from a physician and provided to the vendor in order to receive Alternate Durable DNR [Jewelry jewelry].</u> Such a necklace or bracelet may be utilized either to validate the Durable DNR Order <u>Form</u> or in place of an original Durable DNR Order <u>Form</u> in the event that the original order is not readily available at the site where the person to whom the order applies is found. In order to be honored by qualified health care personnel in place of the original standard <u>Durable DNR Order Form, this alternate form of identification the Alternate Durable DNR [Jewelry jewelry]</u> must contain the minimum information approved by the State Board of Health in <u>12VAC5-66-60.</u></p>	
<p>60</p>	<p>A. Nothing in these regulations shall be construed to preclude licensed health care practitioners from following any other written orders of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest.</p> <p><u>A. Qualified health care personnel can honor do not resuscitate (DNR) orders by a physician that are written in a format other than using the standardized Durable DNR Order Form to not resuscitate a patient in the event of a cardiac or</u></p>	<p>[A. Nothing in these regulations shall be construed to preclude licensed health care practitioners from following any other written orders of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest. <u>Do Not Resuscitate order in accordance with the applicable policies and procedures of the health care facility in which they practice.</u>]</p> <p>B. Additionally, nothing in these regulations or in the definition of Durable DNR Orders provided in § 54.1-2982 of the Code of Virginia shall be construed to limit the authorization of qualified health care personnel to follow Do Not Resuscitate Orders other than Durable DNR Orders that are</p>	<p>Provides clarification for known public concerns regarding DNR orders not utilized on the standard state form.</p>

	<p><u>respiratory arrest when the patient is currently admitted to a hospital or other qualified health care facility. If an Other Durable DNR Order is used, it must contain the same information as listed in subdivision 1 of 12VAC5-66-40 and the time of issuance by the physician in accordance with accepted medical practice, for patients who are currently admitted to a hospital or other health care facility.</u></p>	<p><u>written by a physician. Such other DNR Orders issued in this manner, to be honored by EMS personnel, shall</u></p> <p><u>[A. B.] Qualified health care personnel [can are authorized to] honor do not resuscitate (DNR) orders [by a physician that are written in a format other than using the standardized Durable DNR Order Form to not resuscitate a patient in the event of a cardiac or respiratory arrest as if it were a Durable Do Not Resuscitate Order] when the patient is currently admitted to a hospital or other qualified health care facility [If an Other Durable DNR Order is used, it must contain or is in transit from a qualified health care facility provided that such order includes] the same information as listed in subdivision 1 of 12VAC5-66-40 and the time of issuance by the physician in accordance with accepted medical practice, for patients who are currently admitted to a hospital or other health care facility [<u>except that an other DNR order shall not be required to include the signature of the patient or a person authorized to consent for the patient on the order itself</u>].</u></p>	
<p>70</p>	<p>A. A Durable DNR Order <u>Form or Other DNR Order</u> may be issued to a patient by a physician, with whom the patient has established a bona fide physician/patient relationship, as defined by the Board of Medicine in their current guidelines, only with the consent of the patient or, if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the person authorized to consent on the patient's behalf.</p> <p>C. The authorized <u>Durable DNR Order Form</u> can be honored by qualified health care providers in any setting.</p>	<p>A. A Durable DNR Order [<u>Form or Other DNR Order</u>] may be issued to a patient by a physician, with whom the patient has established a bona fide physician/patient relationship, as defined by the Board of Medicine in their current guidelines, only with the consent of the patient or, if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the person authorized to consent on the patient's behalf.</p> <p>C. The authorized <u>Durable DNR Order [Form]</u> can be honored by qualified health care [<u>providers personnel</u>] in any setting.</p> <p>D. [<u>Patients who are not within a qualified health care facility must have an authorized Durable DNR Order</u></p>	<p>Provides clarifying language to reduce public confusion.</p>

	<p><u>D. Patients that are not within a qualified health care facility must have an authorized Durable DNR Order Form to be honored by qualified health care providers.</u></p> <p><u>E. Other DNR Orders can be honored any time when a patient is within a qualified health care facility or during transfer between qualified health care facilities when the patient remains attended by qualified health care providers.</u></p> <p>B. <u>F. The physician shall explain to the patient or the person authorized to consent on the patient's behalf, the alternatives available, including issuance of a Durable DNR Order. If the option of a Durable DNR Order is agreed upon, the physician shall have the following responsibilities:</u></p> <ol style="list-style-type: none"> <u>1. Explain when the Durable DNR Form is valid.</u> <u>2. Explain how to and who may revoke the Durable DNR.</u> <u>3. Document the patient's full legal name.</u> <u>4. Document the execution date of the Durable DNR.</u> 4. <u>5. Obtain the signature of the patient or the person authorized to consent on the patient's behalf on all three forms, the patients copy, medical record copy, and the copy used for obtaining DNR Jewelry.</u> <p>2. Execute and date the Physician Order on the Durable DNR Order Form.</p> <p><u>6. The physician name should be clearly</u></p>	<p>Form to be honored by qualified health care providers <u>Qualified health care personnel are authorized to honor only a Durable DNR order or an authorized form or Alternate DNR jewelry as provided in 12VAC5-66-60 of these regulations.]</u></p> <p>[E. Other DNR Orders can be honored any time when a patient is within a qualified health care facility or during transfer between qualified health care facilities when the patient remains attended by qualified health care providers.]</p> <p>B. <u>[E. The E. Prior to issuing a Durable DNR Order the] physician shall explain to the patient or the person authorized to consent on the patient's behalf, the alternatives available, including issuance of a Durable DNR Order [for response in the event of cardiac or respiratory arrest]. If the option of a Durable DNR Order is agreed upon, the physician shall have the following responsibilities:</u></p> <ol style="list-style-type: none"> <u>1. Explain when the [when the circumstances under which qualified health care personnel may follow a] Durable DNR Form is valid [Form is valid].</u> <u>2. Explain how to and who may revoke the Durable DNR [order].</u> <u>3. Document the patient's full legal name.</u> <u>4. Document the execution date of the Durable DNR [order].</u> 4. <u>5. Obtain the signature of the patient or the person authorized to consent on the patient's behalf on all three forms, [;] the patient's copy, [;] medical record copy, [;] and the copy used for obtaining DNR [Jewelry jewelry].</u> <p>2. Execute and date the Physician Order on the Durable DNR Order Form.</p>	
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	<p><u>printed and the form signed.</u></p> <p><u>7. Note the contact telephone number for the issuing physician.</u></p> <p>3. <u>8. Issue the original Durable DNR Order Form, patient and DNR Jewelry copies to the patient and maintain the medical record copy in the patient's medical file.</u></p> <p>4. Explain how to and who may revoke the Durable DNR Order.</p>	<p><u>6. Make sure that the [issuing] physician's name is clearly printed and the form is signed.</u></p> <p><u>7. [Note Record] the contact telephone number for the issuing physician.</u></p> <p>3. <u>8. Issue the original Durable DNR Order Form, patient and DNR jewelry copies to the patient and maintain the medical record copy in the patient's medical file.</u></p> <p>4. Explain how to and who may revoke the Durable DNR Order.</p>	
<p>80</p>	<p>B. Initial assessment and intervention. Perform routine patient assessment and resuscitation or intervention until the a valid <u>a valid</u> Durable DNR Order Form or other <u>Form or Other</u> DNR Order validity status is <u>can be confirmed, as follows:</u></p> <p>1. Determine the presence of a Durable DNR Order Form or, an approved alternate form of Alternate Durable DNR identification Jewelry, or Other DNR Order.</p> <p><u>2. If the patient is within a qualified health care facility, any qualified health care personnel may honor a written physician's order that contains the items noted in 12VAC5-66-40 (a do not resuscitate determination, signature and the date of issue, the signature of the patient or, if applicable, the person authorized to consent on the patient's behalf).</u></p> <p>2. <u>3. Determine that the Durable DNR item is not altered.</u></p> <p>3. <u>4. Verify, through driver's license or other identification with photograph and signature or by positive identification by a family member or other person who</u></p>	<p>B. Initial assessment and intervention. Perform routine patient assessment and resuscitation or intervention until the a valid <u>a valid</u> Durable DNR Order [Form, Alternate DNR jewelry,] or other <u>Other DNR Order</u> validity status is <u>can be confirmed, as follows:</u></p> <p>1. Determine the presence of a Durable DNR Order [Form] or, [an] approved alternate form of Alternate Durable DNR identification [Jewelry jewelry], or Other DNR Order.</p> <p><u>2. If the patient is within a qualified health care facility [or in transit between qualified health care facilities], any qualified health care personnel may honor [a written physician's order that contains the items noted in 12VAC5-66-40 (a do not resuscitate determination, signature and the date of issue, the signature of the patient or, if applicable, the person authorized to consent on the patient's behalf) an Other DNR Order as set forth in 12VAC5-66-60].</u></p> <p>2. <u>3. Determine that the Durable DNR [item form or Alternate DNR jewelry] is not altered.</u></p> <p>3. <u>4. Verify, through driver's license or other identification with photograph and signature or by positive identification by a family member or other person who knows the patient, that the patient in question is the one for whom the Durable DNR Order</u></p>	<p>Provides language that emphasizes the DNR is not limited to the EMS environment.</p>

	<p>knows the patient, that the patient in question is the one for whom the Durable DNR Order Form or other Other DNR Order was issued.</p> <p>4. If no Durable DNR Order or approved alternate form of identification is found, ask a family member or other person to look for the original Durable DNR Order Form or other written DNR order.</p> <p>5. If a Durable DNR Order Form or Alternate Durable DNR is not immediately available, care should be provided until a valid Durable DNR Form, Alternate Durable DNR, or Other DNR Order can be produced.</p> <p>5. 6. If the Durable any type of DNR Order or approved alternate form of identification is not intact or has been altered or other DNR Order is produced, the qualified health care personnel is presented to qualified health care personnel, it shall consider the Durable DNR Order to be invalid considered valid.</p> <p>C. Resuscitative measures to be withheld or withdrawn. In the event of cardiac or respiratory arrest of a patient with a valid Durable DNR Order Form, Alternate Durable DNR Jewelry, or Other DNR Order under the criteria set forth above in subsection B of this section, the following procedures should be withheld or withdrawn by qualified health care personnel unless otherwise directed by a physician physically present at the patient location:</p> <p>1. Cardiopulmonary</p>	<p>[Form, Alternate DNR jewelry,] or other Other DNR Order was issued.</p> <p>4. If no Durable DNR Order or approved alternate form of identification is found, ask a family member or other person to look for the original Durable DNR Order Form or other written DNR order.</p> <p>[5. If a Durable DNR Order Form or Alternate Durable DNR is not immediately available, care should be provided until a valid Durable DNR Form, Alternate Durable DNR, or Other DNR Order can be produced.]</p> <p>[5. 6.] If [the Durable] [any type of] DNR Order or approved alternate form of identification is not intact or has been altered or other [, Alternate DNR jewelry, or Other DNR Order is] produced, [intact, unaltered, and verified as issued for the patient,] the qualified health care personnel [is presented to] qualified health care personnel may [it shall consider] the Durable DNR Order to [be] invalid [considered it] valid.</p> <p>C. Resuscitative measures to be withheld or withdrawn. In the event of cardiac or respiratory arrest of a patient with a valid Durable DNR Order [Form] , Alternate Durable DNR Jewelry jewelry , or Other DNR Order under the criteria set forth above in subsection B of this section, [the following procedures should be withheld or withdrawn by] qualified health care personnel [shall withhold or withdraw cardiopulmonary resuscitation (CPR)] unless otherwise directed by a physician physically present at the patient location [÷ .CPR shall include:]</p> <p>1. [Cardiopulmonary Resuscitation (CPR) <u>Cardiac compression</u>];</p>	
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	<p>Resuscitation (CPR);</p> <p>2. Endotracheal Intubation or other advanced airway management;</p> <p>3. Artificial ventilation;</p> <p>4. Defibrillation;</p> <p>4. Endotracheal Intubation or other advanced airway management including supra-glottic devices such as the Laryngeal Mask Airway (LMA), or other airway devices that pass beyond the oral pharynx, such as the Combi Tube, Pharyngeal Tracheal Lumen (PTL), or other similar devices; or</p> <p>5. Continuation of related procedures or cardiac resuscitation medications as prescribed by the patient's physician or medical protocols.</p> <p>D. Procedures to provide comfort care or to alleviate pain. In order to provide comfort care or to alleviate pain for a patient with a valid Durable DNR Order or other DNR Order of any type, the following interventions may be provided, depending on the needs of the particular patient:</p> <p>1. Airway management (excluding intubation or advanced, including placement of nasal or pharyngeal airways management;</p> <p>2. Suctioning;</p> <p>3. Supplemental oxygen delivery devices;</p> <p>4. Pain medications or intravenous fluids;</p> <p>5. Bleeding control;</p> <p>6. Patient</p>	<p>2. Endotracheal Intubation or other advanced airway management;</p> <p>3. Artificial ventilation;</p> <p>4. Defibrillation; or</p> <p>4. Endotracheal Intubation or other advanced airway management including supra-glottic devices such as the LMA, or other airway devices that pass beyond the oral pharynx, such as the Combi Tube, PTL etc.; or</p> <p>5. [Continuation Administration] of related procedures or cardiac resuscitation medications as prescribed by the patient's physician or medical protocols.</p> <p>D. Procedures to provide comfort care or to alleviate pain. In order to provide comfort care or to alleviate pain for a patient with a valid Durable DNR Order or other DNR Order of any type [or Other DNR Order] the following interventions may be provided, depending on the needs of the particular patient:</p> <p>1. Airway management (excluding intubation or advanced, including positioning, nasal or pharyngeal airway management) placement;</p> <p>2. Suctioning;</p> <p>3. Supplemental oxygen delivery devices;</p> <p>4. Pain medications or intravenous fluids;</p> <p>5. Bleeding control;</p> <p>6. Patient positioning; or</p> <p>7. Other therapies deemed necessary to provide comfort care or to alleviate pain.</p> <p>E. Revocation.</p> <p>1. [These regulations shall not authorize any qualified health care</p>	
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<p>positioning; or</p> <p>7. Other therapies deemed necessary to provide comfort care or to alleviate pain.</p> <p>E. Revocation.</p> <p>1. These regulations shall not authorize any qualified health care personnel to follow a Durable DNR Order for any patient who is able to, and does, express to such qualified health care personnel the desire to be resuscitated in the event of cardiac or respiratory arrest.</p> <p>If the patient is a minor or is otherwise incapable of making an informed decision, the expression of the desire that the patient be resuscitated by the person authorized to consent on the patient's behalf shall so revoke the qualified health care personnel's authority to follow a Durable DNR Order of any type.</p> <p>F. Documentation. When following a Durable DNR Order or other DNR Order for a particular patient, qualified health care personnel shall document in the patient's medical record the care rendered or withheld in the following manner:</p> <p>1. Use standard patient care reporting documents (i.e. patient chart, pre-hospital patient care report).</p> <p>2. Describe assessment of patient's status.</p> <p>3. Document which identification (Durable DNR Order Form, <u>Alternate Durable DNR</u>, or other <u>Other DNR Order</u> or alternate form of identification) was used to</p>	<p>personnel to follow a Durable DNR Order for any patient who is able to, and does, express to such qualified health care personnel the desire to be resuscitated in the event of cardiac or respiratory arrest.</p> <p>If the patient is a minor or is otherwise incapable of making an informed decision, the expression of the desire that the patient be resuscitated by the person authorized to consent on the patient's behalf shall so revoke the qualified health care personnel's authority to follow a Durable DNR Order or other DNR Order <u>If a patient is able to, and does, express to a health care provider or practitioner the desire to be resuscitated in the event of cardiac or respiratory arrest, such expression shall revoke the provider's or practitioner's authority to follow a Durable DNR Order or Other DNR Order. In no case shall any person other than the patient have authority to revoke a Durable DNR Order or Other DNR Order upon the request of and with the consent of the patient himself.</u></p> <p><u>If the patient is a minor or is otherwise incapable of making an informed decision and the Durable DNR Order or Other DNR Order was issued upon the request and with the consent of the person authorized to consent on the patient's behalf, then the expression by said person to a health care provider or practitioner of the desire that the patient be resuscitated shall so revoke the provider's or practitioner's authority to follow a Durable DNR Order or Other DNR Order]</u>.</p> <p>F. Documentation. When following a Durable DNR Order or [other <u>Other</u>] DNR Order for a particular patient [<u>admitted to a qualified health care facility</u>], qualified health care personnel shall document [<u>care rendered or withheld as required by facility policies and procedures. When following a Durable DNR Order or Other DNR Order for a particular patient who is not admitted to a qualified health care facility or who is</u></p>	
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	<p>confirm Durable DNR status and that it was intact, not altered, not canceled or not officially revoked.</p> <p>4. Record the <u>name of the patient's physician who issued the Durable DNR Order</u> Number and name of patient's physician <u>Form, or Other DNR Order.</u></p> <p>5. If the patient is being transported, keep the Durable DNR Order, <u>Alternate Durable DNR, or Other DNR Order</u> with the patient.</p> <p>G. General considerations. The following general principles shall apply to implementation of Durable DNR Orders.</p> <p>1. If there is misunderstanding with family members or others present at the patient's location or if there are other concerns about following the Durable DNR Order or other DNR Order, contact the patient's physician or EMS medical control for guidance.</p> <p>2. If there is any question about the validity of a Durable DNR Order, resuscitative measures should be administered until the validity of the Durable DNR Order is established.</p>	<p><u>in transit from a health care facility, qualified health care personnel shall document</u>] in the patient's medical record the care rendered or withheld in the following manner:</p> <p>1. Use standard patient care reporting documents (i.e. patient chart, pre-hospital patient care report).</p> <p>2. Describe assessment of patient's [<u>cardiac or respiratory arrest</u>] status.</p> <p>3. Document which identification (Durable DNR Order [Form], <u>Alternate Durable DNR [jewelry]</u>, or other Other <u>Other</u> DNR Order or alternate form of identification) was used to confirm Durable DNR status and that it was intact, not altered, not canceled or not officially revoked.</p> <p>4. Record the <u>name of the patient's physician who issued the Durable DNR Order</u> Number and name of patient's physician [<u>Form</u>], or <u>Other DNR Order.</u></p> <p>5. If the patient is being transported, keep the Durable DNR Order [Form], <u>Alternate Durable DNR [jewelry]</u>, or <u>Other DNR Order</u> with the patient.</p> <p>G. General considerations. The following general principles shall apply to implementation of [<u>all</u>] Durable DNR Orders.</p> <p>1. If there is misunderstanding with family members or others present at the patient's location or if there are other concerns about following the Durable DNR Order or [other Other] DNR Order, contact the patient's physician or EMS medical control for guidance.</p> <p>2. If there is any question about the validity of a Durable DNR Order, resuscitative measures should be administered until the validity of the Durable DNR Order [<u>or Other DNR Order</u>] is established.</p>	
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Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
Virginia Hospital and Healthcare Association	<p style="text-align: center;">Part I Definitions</p> <p>12VAC5-66-10. Definitions.</p> <p>The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:</p> <p>"Agent" means an adult appointed by the declarant under an advance directive, executed or made in accordance with the provisions of § 54.1-2983 of the Code of Virginia to make health care decisions for him.</p> <p><u>"Alternate Durable DNR jewelry" means a Durable DNR bracelet or necklace issued by a vendor approved by the Virginia Office of Emergency Medical Services. A Durable DNR Order must be obtained by the patient, from a physician, to obtain Durable DNR jewelry.</u></p> <p><i>This is the term used most often in the body of the regulation</i></p> <p>"Board" means the State Board of Health.</p> <p>"Cardiac arrest" means the cessation of a functional heartbeat.</p> <p>"Commissioner" means the State Health Commissioner.</p> <p>"Durable Do Not Resuscitate Order " or "Durable DNR Order " means a written physician's order issued pursuant to § 54.1-2987.1 of the</p>	<p>Agree with all recommended changes as they reflect the intent of the recent legislative changes.</p>

	<p>Code of Virginia in a form <u>or forms</u> authorized by the board to withhold cardiopulmonary resuscitation from an individual in the event of cardiac or respiratory arrest. For purposes of this chapter, cardiopulmonary resuscitation shall include cardiac compression, endotracheal intubation and other advanced airway management, artificial ventilation, and <u>defibrillation, administration of cardiac resuscitative medications,</u> and related procedures. As the terms "advance directive" and "Durable Do Not Resuscitate Order" are used in this article, a Durable Do Not Resuscitate Order <u>or other DNR Order</u> is not and shall not be construed as an advance directive. When used in these regulations, the term "Durable DNR Order " shall include any authorized alternate form of identification <u>Alternate Durable DNR jewelry</u> issued in conjunction with an original Durable DNR Order form.</p> <p>"Emergency Medical Services" or "EMS" means the services rendered by an agency licensed by the Virginia Office of Emergency Medical Services, an equivalent agency licensed by another state or a similar agency of the federal government when operating within this Commonwealth.</p> <p>"Emergency medical services agency" or "EMS agency" means any person <u>agency</u>, licensed to engage in the business, service, or regular activity, whether or not for profit, of transporting and/or rendering immediate medical care to such persons who are sick, injured, wounded or otherwise incapacitated or helpless.</p> <p>"Incapable of making an informed decision" means the inability of an</p>	
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	<p>adult patient, because of mental illness, mental retardation, or any other mental or physical disorder that precludes communication or impairs judgment, to make an informed decision about providing, withholding or withdrawing a specific medical treatment or course of treatment because he is unable to understand the nature, extent or probable consequences of the proposed medical decision, or to make a rational evaluation of the risks and benefits of alternatives to that decision. For purposes of this article, persons who are deaf, dysphasic or have other communication disorders, who are otherwise mentally competent and able to communicate by means other than speech, shall not be considered incapable of making an informed decision. The determination that the patient is "incapable of making an informed decision" shall be made in accordance with §54.1-2983.2.</p> <p><i>This change will allow incorporation of legislation now being considered by the General Assembly (SB 275) that revises procedures governing the determination of incapacity.</i></p> <p><u>"Office of EMS" or "OEMS" means the Virginia Office of Emergency Medical Services. The Virginia Office of Emergency Medical Services is a state office located within the Virginia Department of Health (VDH).</u></p> <p><u>"Other Do Not Resuscitate Order" or "Other DNR Order" means a written physician's order not to resuscitate a patient in the event of cardiac or respiratory arrest on a form other than the authorized state standardized Durable DNR Form under policies and procedures of the</u></p>	
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	<p><u>health care facility to which the individual who is the subject of the order has been admitted.</u></p> <p><i>The stricken provisions are and should be addressed in the body of the regulations.</i>” Person authorized to consent on the patient's behalf” means any person authorized by law to consent on behalf of the patient incapable of making an informed decision or, in the case of a minor child, the parent or parents having custody of the child or the child's legal guardian or as otherwise provided by law.</p> <p>“Physician” means a person licensed to practice medicine in the Commonwealth of Virginia or in the jurisdiction where the treatment is to be rendered or withheld.</p> <p>“Qualified emergency medical services personnel” means personnel <u>certified to practice</u> as defined by § 32.1-111.1 of the Code of Virginia when acting within the scope of their certification.</p> <p><u>“Qualified health care facility” means a facility, program, or organization operated or licensed by the State Board of Health or by the Department of Behavioral Health and Developmental Services (DBHDS) or operated, licensed, or owned by another state agency.</u></p> <p>“Qualified health care personnel” means any qualified emergency medical services personnel and any licensed healthcare provider or practitioner functioning in any facility, program or organization operated or licensed by the State Board of Health, or by the Department of Mental Health, Mental Retardation and Substance Abuse Services <u>DBHDS</u> or operated, licensed, or owned by</p>	
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	<p>another state agency.</p> <p>"Respiratory arrest" means cessation of breathing.</p> <p style="text-align: center;">Part III Requirements and Provisions</p> <p>12VAC5-66-40. The Durable Do Not Resuscitate Order Form.</p> <p>The Durable DNR Order Form shall be a unique <u>standardized</u> document printed on distinctive paper, as approved by the board and consistent with these regulations. The following requirements and provisions shall apply to the approved Durable DNR Order Form.</p> <p>1. Content of the Form - A Durable DNR Order Form shall contain, from a physician with whom the patient has a bona fide physician/patient relationship, a do not resuscitate determination, signature and the date of issue, the signature of the patient or, if applicable, the person authorized to consent on the patient's behalf.</p> <p>2. Effective Period for a Signed Durable DNR Order - A signed Durable DNR Order shall remain valid until revoked in accordance with §54.1-2987.1 and 12VAC5-66-80 E or until rescinded, in accordance with accepted medical practice, by the provider who issued the Durable Do Not Resuscitate Order.</p> <p><i>This change accurately reflects statutory language governing revocation and rescission.</i></p> <p>3. <u>A</u> Durable DNR Order or alternate form <u>Alternate Durable DNR jewelry</u> that complies with 12VAC5-66-50 shall be valid for</p>	
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	<p><u>the purposes of withholding or withdrawing cardiopulmonary resuscitation by qualified health care personnel in the event of cardiac or respiratory arrest.</u></p> <p><u>4. Availability of the Durable DNR Order Form.</u> The original Durable DNR Order or an alternate form Form that complies with 12VAC5-66-40 or Alternate Durable DNR jewelry that complies with 12VAC5-66-50 shall be maintained and displayed readily available to qualified health care personnel at the patient's current location or residence in one of the places designated on the form, or should accompany the patient, if traveling. Photocopies of the Durable DNR Order may be given to other providers or persons for information, with the express consent of the patient or the patient's designated agent or the person authorized to consent on the patient's behalf. However, such photocopies of the Durable DNR Order are not valid for withholding cardiopulmonary resuscitation.</p> <p><i>It is unclear what the last sentence means with respect to “readily available” – the order or the form? Given the purpose of this section in current regulations (availability of the order to health care providers who would be implementing it), we believe the last sentence is not needed.</i></p> <p><i>Other changes correct cross-references and terminology.</i></p> <p><u>5. Qualified health care personnel may honor a legible photocopy of a Durable DNR Form or Other Durable DNR Order as if it were an original.</u></p>	
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	<p><i>This clarifies that this provision doesn't convey separate authority but only establishes that copies are as valid as an original document. We believe this more accurately reflects the limited authority in the law for the regulations to govern "other DNR orders."</i></p> <p><u>6. A patient who is traveling outside his home or between health care facilities should have an original or photocopied Durable DNR Order or Other Durable DNR Order or an Alternate Durable DNR jewelry accompany him.</u></p> <p><i>We suggest deleting this revocation provision (which does not reflect 2009 statutory changes) and addressing revocation in Subsection E of 12VAC5-66-80 only.</i> 5- 7</p> <p><u>Distribution of Durable DNR Order Forms - Authorized The authorized Virginia Durable DNR Forms, with instructions, Order Form shall be a standardized form available only to physicians for download via the Internet from the Office of Emergency Medical Services website. The downloadable form will contain directions for completing the form and three identical Durable DNR Order Forms: one original form to be kept by the patient; the second to be placed in the patient's permanent medical record; and the third to be used by the patient for requesting Alternate Durable DNR jewelry.</u></p> <p><u>8. Hard copies of the Durable DNR Order Form shall also be made available to physicians or licensed health care facilities by the Office</u></p>	
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	<p><u>of EMS. The Office of EMS may utilize a vendor to print and distribute the Durable DNR Order Form and a nominal fee may be charged in an amount necessary to cover printing and shipping fees.</u></p> <p><i>We request this clarification that fees should not exceed the amount needed to cover these program expenses.</i></p> <p>12VAC5-66-50. Authorized alternate forms of Durable DNR Order identification jewelry.</p> <p>The board authorizes the issuance use of alternate forms of Alternate Durable DNR Order identification jewelry <u>Alternate Durable DNR jewelry items</u> in conjunction with the issuance of Durable DNR Orders <u>Orders</u>. These alternate forms <u>Alternate Durable DNR jewelry items</u> shall be uniquely designed and uniquely identifiable bracelets and necklaces that are available <u>only</u> from a vendor approved by the Virginia Department of Health, <u>Office of EMS.</u> These alternate forms of identification <u>The Alternate Durable DNR jewelry</u> must be purchased from the approved vendor by the person to whom a Durable DNR Order applies, or that <u>the</u> person authorized to consent on the patient's behalf, and in conjunction with a. <u>An original Durable DNR Order Form must be obtained from a physician and provided to the vendor in order to receive Alternate Durable DNR Jewelry.</u> Such a necklace or bracelet may be utilized either to validate the Durable DNR Order <u>Form</u> or in place of an original Durable DNR Order <u>Form</u> in the event that the original order is not readily available at the site where the person to whom the order applies is found. In order to be honored by qualified health care</p>	
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	<p>personnel in place of the original <u>standard Durable DNR Order Form</u>, this alternate form of identification <u>the Alternate Durable DNR Jewelry</u> must contain the minimum information approved by the State Board of Health in <u>12VAC5-66-60</u>.</p> <p>12VAC5-66-60. Other DNR Orders.</p> <p>A. Nothing in these regulations shall be construed to preclude licensed health care practitioners from following an other written orders of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest. <u>Do Not Resuscitate order in accordance with the applicable policies and procedures of the health care facility in which they practice.</u></p> <p>B. Additionally, nothing in these regulations or in the definition of Durable DNR Orders provided in § 54.1-2982 of the Code of Virginia shall be construed to limit the authorization of qualified health care personnel to follow Do Not Resuscitate Orders other than Durable DNR Orders that are written by a physician. Such other DNR Orders issued in this manner, to be honored by EMS personnel, shall</p> <p><u>Qualified health care personnel are authorized to honor any other do not resuscitate (DNR) order as if it were a Durable Do Not Resuscitate Order when the patient is currently admitted to a hospital or other qualified health care facility or is in transit from a qualified health care facility provided that such order includes the same information as listed in subdivision 1 of 12VAC5-</u></p>	
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	<p>66-40 and the time of issuance by the physician in accordance with accepted medical practice, for patients who are currently admitted to a hospital or other health care facility except that an other DNR order shall not be required to include the signature of the patient or a person authorized to consent for the patient on the order itself.</p> <p><i>These changes are intended to more clearly state the regulations' limited authority over the use of "other DNR orders."</i></p> <p>The deletion of the requirement for a signature on the "other DNR order" reconciles the regulations more closely with institutional practices in order to give effect to these orders. In practice, these orders usually are used in EMS settings when EMS providers arrive at a hospital or nursing home and are shown an institutional "other DNR order." Requiring a patient signature will limit their usefulness. Patient consent is required by institutional policies and procedures for issuing these "other DNR orders," but neither these nor other physician orders are signed by the patient. We have suggested inserting in Paragraph A of this section a provision that these orders are written in accordance with facility policies and procedures; this will require that there is patient consent without necessitating a signature. This change should help to resolve some of the recently reported confusion among EMS providers as to their authority to follow "other DNR orders."</p> <p>C. Nothing in these regulations shall prohibit qualified health care personnel from following any direct verbal order issued by a licensed physician not to resuscitate a patient</p>	
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	<p>in cardiac or respiratory arrest when such physician is physically present in attendance of such patient.</p> <p style="text-align: center;">Part IV Implementation Procedures</p> <p>12VAC5-66-70. Issuance of a Durable DNR Order.</p> <p>A. A Durable DNR Order may be issued to a patient by a physician, with whom the patient has established a bona fide physician/patient relationship, as defined by the Board of Medicine in their current guidelines, only with the consent of the patient or, if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the person authorized to consent on the patient's behalf.</p> <p><u>B. The use of the authorized Durable DNR Order Form is encouraged to provide uniformity throughout the health care continuum.</u></p> <p><u>C. The authorized Durable DNR Order can be honored by qualified health care personnel in any setting.</u></p> <p><u>D. Qualified health care personnel are authorized to honor only a Durable DNR Order on an authorized form or Alternate DNR jewelry except as provided in 12VAC5-66-60 of these regulations</u></p> <p>±</p> <p><i>Subsection E is redundant of provisions of 12VAC5-66-60; these changes cross-reference the two sections.</i></p> <p>B. F. Prior to issuing a Durable</p>	
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	<p>DNR Order, the physician shall explain to the patient, or the person authorized to consent on the patient's behalf, the alternatives available <i>[for what?]</i>for response in the event of cardiac or respiratory arrest , including issuance of a Durable DNR Order. If the option of a Durable DNR Order is agreed upon, the physician shall have the following responsibilities:</p> <p><u>1. Explain the circumstances under which qualified health care personnel may follow a Durable DNR Order .</u></p> <p><u>2. Explain how to and who may revoke the Durable DNR order.</u></p> <p><u>3. Document the patient's full legal name.</u></p> <p><u>4. Document the execution date of the Durable DNR order.</u></p> <p>4. <u>5. Obtain the signature of the patient or the person authorized to consent on the patient's behalf on all three forms: the patient's copy; medical record copy; and the copy used for obtaining DNR jewelry.</u></p> <p><i>The reference to "alternatives available" is unclear; the added language is an attempt to clarify. Other changes revise terminology and punctuation.</i></p> <p>2. Execute and date the Physician Order on the Durable DNR Order Form.</p> <p><u>6. Make sure that the issuing physician's name is clearly printed and the form is signed.</u></p> <p><u>7. Record the contact telephone number for the issuing physician on the Durable DNR Form.</u></p> <p>3. <u>8. Issue the original Durable</u></p>	
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	<p><u>DNR Order Form and the form for obtaining Alternate Durable DNR jewelry to the patient and maintain the medical record copy in the patient's medical file.</u></p> <p><i>Clarifying change</i></p> <p><i>We also suggest that the requirements set out in this section be noted in the DDNR form so that the form will document that they have been addressed.</i></p> <p>4. Explain how to and who may revoke the Durable DNR Order.</p> <p>€ G. The person to whom a Durable DNR order applies or the person authorized to consent on the patient's behalf must present the following information to the approved vendor in order to purchase and be issued an approved <u>Alternate Durable DNR necklace or bracelet.</u> The necklace or bracelet must contain the following information:</p> <p><u>1. The following words: Do Not Resuscitate;</u></p> <p>± 2. The patient's full legal name;</p> <p>2. The Durable DNR number on the Virginia Durable DNR form or a number unique to the patient that is assigned by the vendor;</p> <p>3. The physician's name and phone number; and</p> <p>4. The Virginia Durable DNR issuance date.</p> <p>12VAC5-66-80. Durable DNR Order implementation procedures.</p>	
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	<p>A. Qualified health care personnel shall comply with the following general procedures and published Virginia Durable DNR Order Implementation Protocols when caring for a patient who is in cardiac or respiratory arrest and who is known or suspected to have a Durable DNR Order in effect.</p> <p>B. Initial assessment and intervention. Perform routine patient assessment and resuscitation or intervention until the <u>a valid Durable DNR Order Form, Alternate DNR jewelry or other Other DNR Order validity status is</u> can be confirmed, as follows:</p> <ol style="list-style-type: none"> 1. Determine the presence of a Durable DNR Order Form or <u>an approved alternate form of Alternate Durable DNR identification jewelry, or Other DNR Order.</u> 2. <u>If the patient is within a qualified health care facility or in transit between qualified health care facilities, any qualified health care personnel may honor an other DNR order as set forth in 12VAC5-66-60.</u> <p><i>Eliminates redundancies and cross-references sections.</i></p> <ol style="list-style-type: none"> 2. <u>3.</u> Determine that the Durable DNR form or Alternate DNR jewelry is not altered. 3. <u>4.</u> Verify, through driver's license or other identification with photograph and signature or by positive identification by a family member or other person who knows the patient, that the patient in question is the one for whom the Durable DNR Order , alternate DNR jewelry or other <u>Other</u> DNR Order was issued. 	
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	<p>4. If no Durable DNR Order or approved alternate form of identification is found, ask a family member or other person to look for the original Durable DNR Order Form or other written DNR order.</p> <p><i>This is stated in 12VAC5-66-80 B introducing this list of procedures.</i></p> <p>5. 6. If the Durable DNR, alternate DNR jewelry or other DNR order is intact, unaltered and verified as issued for the patient, qualified health care personnel may consider it valid.</p> <p><i>Clarifying changes.</i></p> <p>C. Resuscitative measures to be withheld or withdrawn. In the event of cardiac or respiratory arrest of a patient with a valid Durable DNR Order Form, Alternate Durable DNR Jewelry, or Other DNR Order under the criteria set forth above <u>in subsection B of this section</u>, qualified health care personnel shall withhold or withdraw cardiopulmonary resuscitation (CPR) unless otherwise directed by a physician physically present at the patient location. CPR shall include:</p> <ol style="list-style-type: none"> 1. cardiac compression; 2. Endotracheal Intubation or other advanced airway management; 3. <u>2.</u> Artificial ventilation; 4. <u>3.</u> Defibrillation; or <u>4. Endotracheal Intubation or other advanced airway management including supra-glottic devices such as the LMA, or other airway devices that pass beyond the oral pharynx, such as the Combi Tube, PTL etc.; or</u> 	
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	<p><i>These changes describe “CPR” consistent with what is described as “CPR” in the definition of “Durable Do Not Resuscitate Order” in 12VAC 5-66-10.</i></p> <p><i>Is it clear what is “advanced airway management” and what “airway management” as used in Subsection D below?</i></p> <p>5. Administration of related procedures or cardiac resuscitation medications as prescribed by the patient's physician or medical protocols.</p> <p>D. Procedures to provide comfort care or to alleviate pain. In order to provide comfort care or to alleviate pain for a patient with a valid Durable DNR Order of any type or other DNR Order, the following interventions may be provided, depending on the needs of the particular patient:</p> <p>This change clarifies that comfort care is administered even if there are “other DNR orders,” which are not “Durable DNR orders.”</p> <ol style="list-style-type: none"> 1. <u>Airway management (excluding intubation or advanced, including positioning, nasal or pharyngeal airway management) placement;</u> 2. Suctioning; 3. Supplemental oxygen delivery devices; 4. Pain medications or intravenous fluids; 5. Bleeding control; 6. Patient positioning; or 7. Other therapies deemed necessary to provide comfort care or to alleviate pain. 	
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	<p>E. Revocation.</p> <p>1.</p> <p>If a patient is able to, and does, express to a health care provider or practitioner the desire to be resuscitated in the event of cardiac or respiratory arrest, such expression shall revoke the provider's or practitioner's authority to follow a Durable Do Not Resuscitate Order. In no case shall any person other than the patient have authority to revoke a Durable Do Not Resuscitate Order executed upon the request of and with the consent of the patient himself.</p> <p>If the patient is a minor or is otherwise incapable of making an informed decision and the Durable Do Not Resuscitate Order was issued upon the request of and with the consent of the person authorized to consent on the patient's behalf, then the expression by said authorized person to a health care provider or practitioner of the desire that the patient be resuscitated shall so revoke the provider's or practitioner's authority to follow a Durable Do Not Resuscitate Order.</p> <p><i>This change incorporates the 2009 legislative changes governing revocation.</i></p> <p>2. The expression of such desire to be resuscitated prior to cardiac or respiratory arrest shall constitute revocation of the order; however, a new order may be issued upon consent of the patient or the person authorized to consent on the patient's behalf.</p> <p>3. The provisions of this section shall not authorize any qualified emergency medical services personnel or licensed health care</p>	
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	<p>provider or practitioner who is attending the patient at the time of cardiac or respiratory arrest to provide, continue, withhold or withdraw treatment if such provider or practitioner knows that taking such action is protested by the patient incapable of making an informed decision. No person shall authorize providing, continuing, withholding or withdrawing treatment pursuant to this section that such person knows, or upon reasonable inquiry ought to know, is contrary to the religious beliefs or basic values of a patient incapable of making an informed decision or the wishes of such patient fairly expressed when the patient was capable of making an informed decision.</p> <p>F. Documentation. When following a Durable DNR Order or other DNR Order for a particular patient admitted to a qualified health care facility, qualified health care personnel shall document care rendered or withheld as required by facility policies and procedures. When following a Durable DNR order or other DNR Order for a particular patient who is not admitted to a qualified health care facility or who is in transit from a health care facility, qualified health care personnel shall document in the patient's medical record the care rendered or withheld in the following manner:</p> <p><i>This change is intended to clarify and limit appropriately the authority of the regulations over other DNR orders issued and followed in health care facilities. The procedures below are intended primarily to govern EMS procedures.</i></p> <p>1. Use standard patient care</p>	
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	<p>reporting documents (i.e. patient chart, pre-hospital patient care report).</p> <p>2. Describe assessment of patient's cardiac or respiratory arrest status.</p> <p>3. Document which identification (Durable DNR Order Form, <u>Alternate Durable DNR jewelry</u>, or other <u>Other DNR Order</u> or alternate form of identification) was used to confirm Durable DNR status and that it was intact, not altered, not canceled or not officially revoked.</p> <p>4. Record the <u>name of the patient's physician who issued the Durable DNR Order</u> Number and name of patient's physician or <u>Other DNR Order</u>.</p> <p>5. If the patient is being transported, keep the Durable DNR Order Form, <u>Alternate Durable DNR jewelry</u>, or <u>Other DNR Order</u> with the patient.</p> <p>G. General considerations. The following general principles shall apply to implementation of Durable DNR Orders.</p> <p>1. If there is misunderstanding with family members or others present at the patient's location or if there are other concerns about following the Durable DNR Order or other DNR Order, contact the patient's physician or EMS medical control for guidance.</p> <p>2. If there is any question about the validity of a Durable DNR Order, resuscitative measures should be administered until the validity of the Durable DNR Order is established.</p>	
<p>Cathy Behrens RN AL Administrator, Our Lady of</p>	<p>I have read the proposed VA. DNR regulations submitted and agree. No additional comments.</p>	<p>No Actions</p>

Perpetual Help		
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All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
10		<p>"Durable Do Not Resuscitate Order " or "Durable DNR Order " means a written physician's order issued pursuant to §54.1-2987.1of the Code of Virginia in a form authorized by the board to withhold cardiopulmonary resuscitation from an individual in the event of cardiac or respiratory arrest. For purposes of this chapter, cardiopulmonary resuscitation shall include cardiac compression, endotracheal intubation and other advanced airway management, artificial ventilation, and defibrillation and related procedures. As the terms "advance directive" and "Durable Do Not Resuscitate Order" are used in this article, a Durable Do Not Resuscitate Order is not and shall not be construed as an advance directive. When used in these regulations, the term "Durable DNR Order" shall include any authorized alternate form of identification issued in conjunction with an original Durable DNR Order.</p>	<p><u>"Alternate Durable DNR" means a Durable DNR bracelet or necklace issued by a vendor approved by the Virginia Office of Emergency Medical Services. A Durable DNR Order Form must be obtained by the patient, from a physician, to obtain Durable DNR Jewelry.</u></p> <p>"Durable Do Not Resuscitate Order Form" or "Durable DNR Order Form" means a written physician's order issued pursuant to §54.1-2987.1of the Code of Virginia in a form(s) authorized by the board to withhold cardiopulmonary resuscitation from an individual in the event of cardiac or respiratory arrest. For purposes of this chapter, cardiopulmonary resuscitation shall include cardiac compression, endotracheal intubation and other advanced airway management, artificial ventilation, and <u>defibrillation, administration of cardiac resuscitative medications,</u> and related procedures. As the terms "advance directive" and "Durable Do Not Resuscitate Order" are used in this article, a Durable Do Not Resuscitate Order <u>Form or other DNR Order</u> is not and shall not be construed as an advance directive. When used in these regulations, the term "Durable DNR Order <u>Form</u>" shall include any authorized <u>Alternate Durable DNR Jewelry form of identification</u> issued in conjunction with an original Durable DNR Order <u>Form</u></p> <p>"Emergency medical services agency" or "EMS agency" means any <u>agency person</u>, licensed to engage in the business, service,</p>

		<p>"Emergency medical services agency" or "EMS agency" means any person, licensed to engage in the business, service, or regular activity, whether or not for profit, of transporting and/or rendering immediate medical care to such persons who are sick, injured, wounded or otherwise incapacitated or helpless.</p> <p>"Person authorized to consent on the patient's behalf" means any person authorized by law to consent on behalf of the patient incapable of making an informed decision or, in the case of a minor child, the parent or parents having custody of the child or the child's legal guardian or as otherwise provided by law.</p> <p>"Qualified emergency medical services personnel" means personnel as defined by §32.1-111.1 of the Code of Virginia when acting within the scope of their certification.</p>	<p>or regular activity, whether or not for profit, of transporting and/or rendering immediate medical care to such persons who are sick, injured, wounded or otherwise incapacitated or helpless.</p> <p><u>"Office of EMS or OEMS" means the Virginia Office of Emergency Medical Services. The Virginia Office of Emergency Medical Services is a state office located within the Virginia Department of Health (VDH).</u></p> <p><u>"Other Do Not Resuscitate Orders or Other DNR Orders" means a written physician's order on a form other than the authorized State standardized Durable DNR Form. Any other DNR form must contain all the information required in subdivision 1 of 12 VAC 5-66-40 to be covered by these regulations.</u></p> <p>"Qualified emergency medical services personnel" means personnel <u>certified to practice</u> as defined by §32.1-111.1 of the Code of Virginia when acting within the scope of their certification.</p> <p><u>"Qualified health care facility" means a facility, program or organization operated or licensed by the State Board of Health, or by the Department of Behavioral Health and Developmental Services (DBHDS) or operated, licensed or owned by another state agency.</u></p>
<p>40</p>		<p>The Durable DNR Order Form shall be a unique document printed on distinctive paper, as approved by the board and consistent with these regulations. The following requirements and provisions shall apply to the approved Durable DNR Order Form.</p> <p>1. Content of the Form - A Durable DNR Order Form shall contain, from a physician with whom the patient has a bona fide</p>	<p>The Durable DNR Order Form shall be a unique standardized document printed on distinctive paper, as approved by the board and consistent with these regulations. The following requirements and provisions shall apply to the approved Durable DNR Order Form.</p> <p>A. Content of the Form - A Durable DNR Order Form shall contain, from a physician with whom the patient has a bona fide physician/patient relationship, a do not resuscitate determination, signature and the date of issue, the signature of the patient or, if applicable, the person authorized to consent on the patient's behalf;</p>

	<p>physician/patient relationship, a do not resuscitate determination, signature and the date of issue, the signature of the patient or, if applicable, the person authorized to consent on the patient's behalf.</p> <p>2. Effective Period for a Signed Durable DNR Order Form - A signed Durable DNR Order shall remain valid until revoked.</p> <p>3. Original Durable DNR Order Form - An original Durable DNR Order or an alternate form that complies with 12VAC5-66-50 shall be valid for purposes of withholding or withdrawing cardiopulmonary resuscitation by qualified health care personnel in the event of cardiac or respiratory arrest. The original Durable DNR Order or an alternate form that complies with 12VAC5-66-50 shall be maintained and displayed at the patient's current location or residence in one of the places designated on the form, or should accompany the patient, if traveling. Photocopies of the Durable DNR Order may be given to other providers or persons for information, with the express consent of the patient or the patient's designated agent or the person authorized to consent on the patient's behalf. However, such photocopies of the Durable DNR Order are not valid for withholding cardiopulmonary resuscitation.</p> <p>4. Revocation of a Durable DNR Order - A Durable</p>	<p>C. Original <u>Durable DNR Order Form - An original Durable DNR Order or an Alternate Durable DNR Jewelry form</u> that complies with 12VAC5-66-50 shall be valid for <u>the</u> purposes of withholding or withdrawing cardiopulmonary resuscitation by qualified health care personnel in the event of cardiac or respiratory arrest;</p> <p>D. Availability <u>Displaying of the Durable DNR Order Form - The original Durable DNR Order Form</u> that complies with 12VAC5-66-50 or an <u>Alternate Durable DNR form</u> that complies with 12 VAC 5-66-60 shall be maintained and displayed <u>readily available</u> at the patient's current location or residence. Within any facility, program or organization <u>operated or licensed by the State Board of Health, of by the Department of Behavioral Health and Developmental Services (DBHDS) or operated, licensed or owned by another state agency</u> the Durable DNR Order Form, Alternate Durable DNR, or an Other Durable DNR Order should be readily available to the patient; in one of the places designated on the form, or should accompany the patient, if traveling. Photocopies of the Durable DNR Order may be given to other providers or persons for information, with the express consent of the patient or the patient's designated agent or the person authorized to consent on the patient's behalf. However, such photocopies of the Durable DNR Order are not valid for withholding cardiopulmonary resuscitation.</p> <p>E. <u>Qualified health care personnel may honor a legible photocopy of a Durable DNR Form or Other Durable DNR Order;</u></p> <p>F. <u>A patient who is traveling outside their home or between health care facilities should have an original or photocopied Durable DNR Order Form or Other Durable DNR Order accompany them;</u></p> <p>G. <u>Revocation of a Durable DNR Order Form - A Durable DNR Order Form may be revoked at any time by the patient (i) by physical physically destroying the Durable DNR Order Form cancellation or destruction by the patient or having another person in his/her presence and at his direction destroy of the Durable DNR Order Form and/or any</u></p>
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		<p>DNR Order may be revoked at any time by the patient (i) by physical cancellation or destruction by the patient or another in his presence and at his direction of the Durable DNR Order Form and/or any alternate form of identification; or (ii) by oral expression of intent to revoke. The Durable DNR Order may also be revoked by the patient's designated agent or the person authorized to consent on the patient's behalf unless that person knows the patient would object to such revocation.</p> <p>5. Distribution of Durable DNR Order Forms— Authorized Durable DNR Forms, with instructions, shall be available only to physicians.</p>	<p>alternate form of identification; or (ii) by oral expression of intent to revoke. The Durable DNR Order may also be revoked by the patient's designated agent or the person authorized to consent on the patient's behalf unless that person knows the patient would object to such revocation. <u>If an Other Durable DNR Order exists and a patient or their authorized agent revokes the Durable DNR, health care personnel should assure the revocation is honored by updating or destroying the Other Durable DNR Order;</u></p> <p>H. Distribution of Durable DNR Order Forms – Authorized <u>The authorized Virginia Durable DNR Order Forms, with instructions, shall be a standardized form available only to physicians. for download via the Internet from the Office of Emergency Medical Services Website. The downloadable form will contain directions for completing the form and three identical Durable DNR Order Forms; one form to be kept by the patient, the second to be placed in the patient's permanent medical record and the third to be used for requesting an Alternate Durable DNR i.e. DNR necklace or bracelet;</u></p> <p>I. <u>Hard copies of the Durable DNR Order Form shall also be made available to physicians or licensed health care facilities by the Office of EMS. The Office of EMS may utilize a vendor to print and distribute the Durable DNR Order Form and a nominal fee can be charged to cover printing and shipping fees.</u></p>
<p>50</p>		<p>The board authorizes the issuance of alternate forms of Durable DNR Order identification in conjunction with the issuance of Durable DNR Orders. These alternate forms shall be uniquely-designed and uniquely-identifiable bracelets and necklaces that are available from a vendor approved by the Virginia Department of Health. These alternate forms of identification must be purchased from the approved vendor by the</p>	<p>The board authorizes the issuance use of Alternate forms of Durable DNR jewelry Order identification use of <u>Alternate forms of Durable DNR jewelry Order Forms.</u> These <u>Alternate Durable DNR jewelry items forms</u> shall be uniquely-designed and uniquely-identifiable bracelets and necklaces that are available <u>only</u> from a vendor approved by the Virginia Department of Health, <u>Office of EMS. These The Alternate Durable DNR jewelry forms of identification</u> must be purchased from the approved vendor by the person to whom a Durable DNR Order <u>Form</u> applies, or <u>the at</u> person authorized to consent on the patient's behalf. <u>An original and in conjunction with a</u> Durable</p>

		<p>person to whom a Durable DNR Order applies, or that person authorized to consent on the patient's behalf, and in conjunction with a Durable DNR Order. Such a necklace or bracelet may be utilized either to validate the Durable DNR Order or in place of an original Durable DNR Order in the event that the original order is not readily available at the site where the person to whom the order applies is found. In order to be honored by qualified health care personnel in place of the original Durable DNR Order, this alternate form of identification must contain the minimum information approved by the State Board of Health.</p>	<p><u>DNR Order Form must be obtained from a physician and provided to the vendor in order to receive Alternate Durable DNR jewelry.</u> Such a necklace or bracelet may be utilized either to validate the Durable DNR Order <u>Form</u> or in place of an original Durable DNR Order <u>Form</u> in the event that the original order is not readily available at the site where the person to whom the order applies is found. In order to be honored by qualified health care personnel in place of the standard original Durable DNR Order Form, <u>the this Alternate Durable DNR jewelry form of identification</u> must contain the minimum information approved by the State Board of Health in <u>12 VAC 5-66-60.</u></p>
<p>60</p>		<p>A. Nothing in these regulations shall be construed to preclude licensed health care practitioners from following any other written orders of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest.</p> <p>B. Additionally, nothing in these regulations or in the definition of Durable DNR Orders provided in § 54.1-2982 of the Code of Virginia shall be construed to limit the authorization of qualified health care personnel to follow Do Not Resuscitate Orders other than Durable DNR Orders that are written by a physician. Such other DNR Orders issued in this manner, to be honored by EMS personnel, shall contain the information listed in subdivision 1 of</p>	<p>A. <u>Qualified health care personnel can honor do not resuscitate (DNR) orders by a physician that are written in a format other than using the standardized Durable DNR Order Form to not resuscitate a patient in the event of a cardiac or respiratory arrest when the patient is currently admitted to a hospital or other qualified health care facility. If an Other Durable DNR Order is used it must contain the same information as listed in subdivision 1 of 12 VAC 5-66-40; Nothing in these regulations shall be construed to preclude licensed health care practitioners from following any other written orders of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest.</u></p> <p>B. Additionally, nothing in these regulations or in the definition of Durable DNR Orders provided in §54.1-2982of the Code of Virginia shall be construed to limit the authorization of qualified health care personnel to follow Do Not Resuscitate Orders other than Durable DNR Orders that are written by a physician. Such other DNR Orders issued in this manner, to be honored by EMS personnel, shall contain the information listed in subdivision 1 of 12VAC5-</p>

		<p><u>12VAC5-66-40</u> and the time of issuance by the physician in accordance with accepted medical practice, for patients who are currently admitted to a hospital or other health care facility.</p> <p>C. Nothing in these regulations shall prohibit qualified health care personnel from following any direct verbal order issued by a licensed physician not to resuscitate a patient in cardiac or respiratory arrest when such physician is physically present in attendance of such patient.</p>	<p><u>66-40</u> and the time of issuance by the physician in accordance with accepted medical practice, for patients who are currently admitted to a hospital or other health care facility.</p> <p>€. B. Nothing in these regulations shall prohibit qualified health care personnel from following any direct verbal order issued by a licensed physician not to resuscitate a patient in cardiac or respiratory arrest when such physician is physically present Statutory Authority.</p>
70		<p>A. A Durable DNR Order may be issued to a patient by a physician, with whom the patient has established a bona fide physician/patient relationship, as defined by the Board of Medicine in their current guidelines, only with the consent of the patient or, if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the person authorized to consent on the patient's behalf.</p> <p>B. The physician shall explain to the patient or the person authorized to consent on the patient's behalf, the alternatives available, including issuance of a Durable DNR Order. If the option of a Durable DNR Order is agreed upon, the physician shall have the following</p>	<p>A. A Durable DNR Order <u>Form or Other DNR Order</u> may be issued to a patient by a physician, with whom the patient has established a bona fide physician/patient relationship, as defined by the Board of Medicine in their current guidelines, only with the consent of the patient or, if the patient is a minor or is otherwise incapable of making an informed decision regarding consent for such an order, upon the request of and with the consent of the person authorized to consent on the patient's behalf;</p> <p><u>B. The use of the authorized Durable DNR Order Form is encouraged to provide uniformity throughout the health care continuum;</u></p> <p><u>C. The authorized Durable DNR Order Form can be honored by qualified health care providers in any setting;</u></p> <p><u>D. Patients who are not within a qualified health care facility must have an authorized Durable DNR Order Form to be honored by qualified health care providers;</u></p> <p><u>E. Other DNR Orders can be honored any time when a patient is within a qualified health care facility or during transfer between qualified health care facilities when the</u></p>

	<p>responsibilities:</p> <ol style="list-style-type: none"> 1. Obtain the signature of the patient or the person authorized to consent on the patient's behalf. 2. Execute and date the Physician Order on the Durable DNR Order Form. 3. Issue the original Durable DNR Order Form. 4. Explain how to and who may revoke the Durable DNR Order. <p>C. The person to whom a Durable DNR order applies or the person authorized to consent on the patient's behalf must present the following information to the approved vendor in order to purchase and be issued an approved Durable DNR necklace or bracelet. The necklace or bracelet must contain the following information:</p> <ol style="list-style-type: none"> 1. The patient's full legal name; 2. The Durable DNR number on the Virginia Durable DNR form or a number unique to the patient that is assigned by the vendor; 3. The physician's name and phone number; and 4. The Virginia Durable DNR issuance date. 	<p><u>patient remains attended by qualified health care providers:</u></p> <p>B. F. The physician issuing a Durable DNR Order Form or Other DNR Order shall explain to the patient or the person authorized to consent on the patient's behalf, the alternatives available, including issuance of a Durable DNR Order. If the option of a Durable DNR Order is agreed upon, the physician shall have the following responsibilities:</p> <ol style="list-style-type: none"> <u>1. Explain when the Durable DNR Form is valid;</u> <u>2. Explain how to and who may revoke the Durable DNR;</u> <u>3. Document the patient's full legal name;</u> <u>4. Document the execution date of the Durable DNR;</u> 4. <u>5. Obtain the signature of the patient or the person authorized to consent on the patient's behalf on all three forms: the patient's copy, medical record copy, and the copy used for obtaining DNR jewelry;</u> 2. <u>6. Execute and date the The Physician physician name should be clearly printed and the form signed; Order on the Durable DNR Order Form.</u> <u>7. Note the contact telephone number for the issuing physician;</u> 3. <u>8. Issue the original Durable DNR Order Form, patient and DNR jewelry copies to the patient and maintain the medical record copy in the patient's medical file.</u> 4. <u>Explain how to and who may revoke the Durable DNR Order.</u> <p>C. G. The person to whom a Durable DNR order applies or the person authorized to consent on the patient's behalf must present the following information to the approved vendor in order to purchase and be issued an approved <u>Alternate</u> Durable DNR necklace or bracelet. The necklace or</p>
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			<p>bracelet must contain the following information:</p> <p><u>1. States: Do Not Resuscitate</u></p> <p>4. <u>2.</u> The patient's full legal name;</p> <p>2. <u>The Durable DNR number on the Virginia Durable DNR form or a number unique to the patient that is assigned by the vendor;</u></p> <p>3. <u>4.</u> The physician's name and phone number; and</p> <p>4. <u>5.</u> The Virginia Durable DNR issuance date.</p> <p><u>12VAC5-66-80. Durable DNR Order Form implementation procedures.</u></p> <p>B. Initial assessment and intervention - Perform <u>a routine patient assessment and resuscitation or intervention until a valid the Durable DNR Order Form or Other DNR Order validity status is can be confirmed, as follows:</u></p> <p><u>1. Determine the presence of a Durable DNR Order Form or an approved Alternate Durable DNR Jewelry, or Other DNR Order form of Durable DNR identification.</u></p> <p><u>2. If the patient is within a qualified health care facility, any qualified health care personnel may honor a written physicians order that contains the items noted in 12 VAC 5-66-40 (a do not resuscitate determination, signature and the date of issue, the signature of the patient or, if applicable, the person authorized to consent on the patient's behalf.)</u></p> <p>2. <u>3.</u> Determine that the Durable DNR item is not altered.</p> <p>3. <u>4.</u> Verify, through driver's license or other identification with photograph and signature or by positive identification by a family member or other person who knows the patient, that the patient in question is the one for whom the Durable DNR Order Form</p>
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			<p>or <u>Other DNR Order</u> was issued.</p> <p>5. If a Durable DNR Order Form or Alternate Durable DNR is not immediately available, care should be provided until a valid Durable DNR Form, Alternate Durable DNR, or Other DNR Order can be produced</p> <p>4. If no Durable DNR Order or approved alternate form of identification is found, ask a family member or other person to look for the original Durable DNR Order Form or other written DNR order.</p> <p>5. 6. If any type of DNR Order being presented to qualified health care personnel the Durable DNR Order or approved alternate form of identification is not intact or has been altered or other DNR Order is produced, the qualified health care personnel it shall be considered the Durable DNR Order to be invalid.</p> <p>C. Resuscitative measures to be withheld or withdrawn. In the event of cardiac or respiratory arrest of a patient with a valid Durable DNR Order Form, Alternate Durable DNR Jewelry, or Other DNR Order under the criteria set forth above, the following procedures should be withheld or withdrawn by qualified health care personnel unless otherwise directed by a physician physically present at the patient location:</p> <p>2. Endotracheal intubation or other advanced airway management;</p> <p>3. 2. Artificial ventilation;</p> <p>4. 3. Defibrillation; or</p> <p>4. Endotracheal Intubation or other advanced airway management including supra-glottic devices such as the LMA, or other airway devices that pass beyond the oral pharynx, such as the Combi Tube, PTL etc.;</p> <p>D. Procedures to provide comfort care or to alleviate pain. In order to provide comfort care or to alleviate pain for a patient with a valid Durable DNR Order or other DNR Order, of any type, the following interventions</p>
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			<p>may be provided, depending on the needs of the particular patient:</p> <ol style="list-style-type: none"> 1. Airway management; <u>including positioning, nasal or pharyngeal airway placement; (excluding intubation or advanced airway management);</u> <p>F. Documentation. When following a Durable DNR Order <u>Form</u> or other DNR Order for a particular patient, qualified health care personnel shall document in the patient's medical record the care rendered or withheld in the following manner:</p> <ol style="list-style-type: none"> 3. Document which identification (Durable DNR Order <u>Form</u>, <u>Alternate Durable DNR</u>, or <u>Other DNR Order</u> or alternate form of identification) was used to confirm Durable DNR status and that it was intact, not altered, not canceled or not officially revoked. 4. Record the <u>name of the patient's physician who issued the Durable DNR Order Form, or Other DNR Order; Number and name of patient's physician.</u> 5. If the patient is being transported, keep the Durable DNR Order, <u>Alternate Durable DNR</u>, or <u>Other DNR Order</u> with the patient.
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Enter any other statement here

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The review process involved soliciting stakeholders input prior to and after development of the draft proposed regulations. This process included a review of other comparable state DDNR programs. The changes suggested are less restrictive and as such decreases the burden (financial and otherwise) on all businesses, large or small.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There are no changes projected that will impact the family.