

# *Virginia's Durable DNR Order, Protocol & Regulations*

*Impact on EMS & Healthcare  
Agencies in Virginia*

Virginia Department of Health

Office of Emergency Medical Services



# *Introductions*

- Today's speaker:

Russ Stamm

Office of EMS Trauma Registry/DDNR Coordinator

*Credits:*

*Bob Ryalls, NREMT-P, District Chief, James City County Fire/EMS and former Chairman of the Public Information & Education Committee, State EMS Advisory Board.*

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# *Program Presentation*

- Durable DNR (DDNR) Order Regulations
  - a brief look at the regulations
  - appropriate response to a valid/invalid DDNR Order
- Advance Directive vs. DDNR Order
- Impact on EMS Agencies
  - drain on limited resources: emotional & financial
- Frequently Asked Questions



*What you need to know in  
regards to the Virginia Do Not  
Resuscitate Order*

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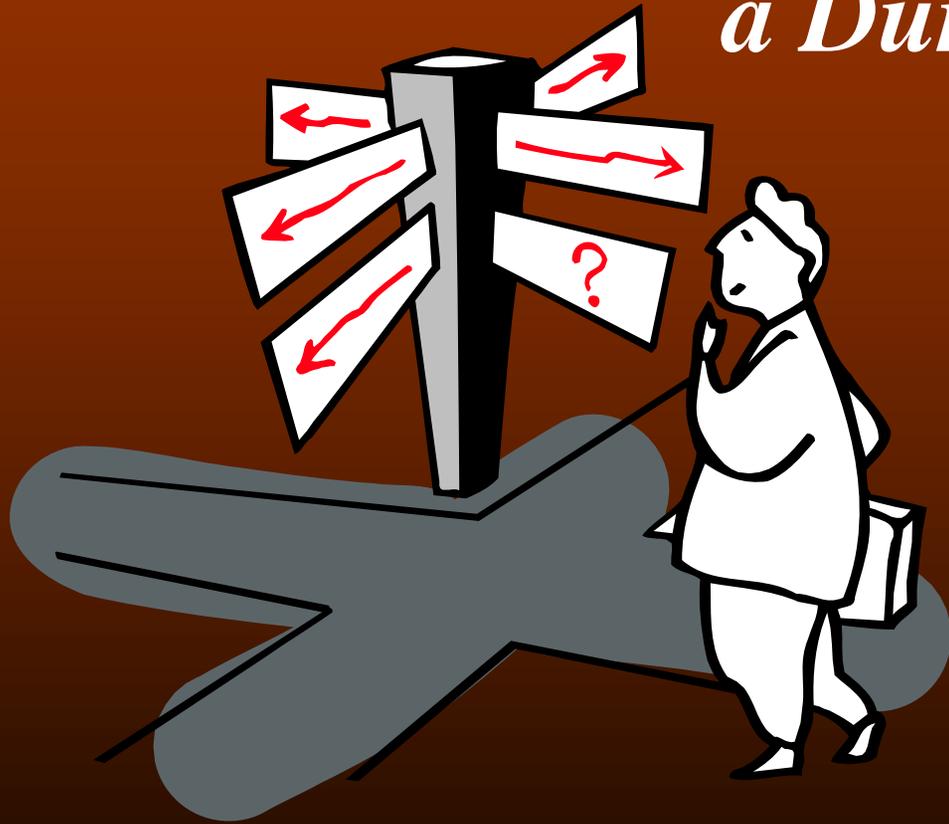


# *Virginia's Durable Do Not Resuscitate Order*

- Virginia's do not resuscitate order, passed by the Virginia General Assembly, allows emergency medical services providers to honor a patient's request for humane comfort measures, while avoiding resuscitation in the event of cardiac or respiratory arrest.
- We will go into more detail as we continue.



*Confused about the **Differences** between  
a Durable DNR Order,  
Advanced  
Directive  
and a  
Living Will?*



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# *Advanced Directives*

- (i) a **witnessed written document**, voluntarily executed by the declarant or
- (ii) a **witnessed oral statement**, made by the declarant subsequent to the time he is diagnosed as suffering from a terminal condition.



# *Living Wills*

- Also an advanced directive, this declaration outlines an individual's wishes for treatment in the event they are terminally ill and are unable, because of disease or injury, to make their wishes known.
- Living wills cannot be honored by EMS providers because the living will is not a medical directive containing information required by law and is not required to be signed by the patient's bona fide physician.



# *Durable Do Not Resuscitate Order*

## **Code of Virginia § 54.1-2982**

- 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.*"



# *Durable Do Not Resuscitate Order*

## **Code of Virginia § 54.1-2982**

- "Durable Do Not Resuscitate Order" means a written physician's order issued to withhold cardiopulmonary resuscitation from a particular patient in the event of cardiac or respiratory arrest.



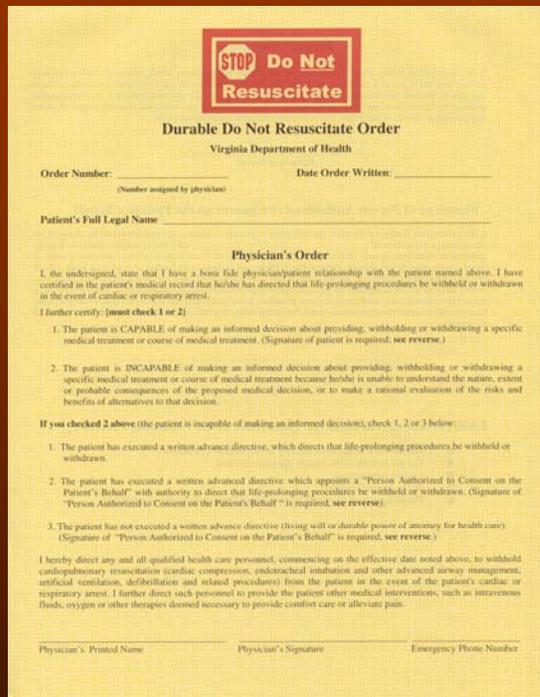
# *What Can An EMS Provider Honor?*

- Virginia Durable Do Not Resuscitate (DNR) Orders
- “Other” DNR Orders
- Approved DDNR bracelets or necklaces



# Virginia's Durable DNR Form

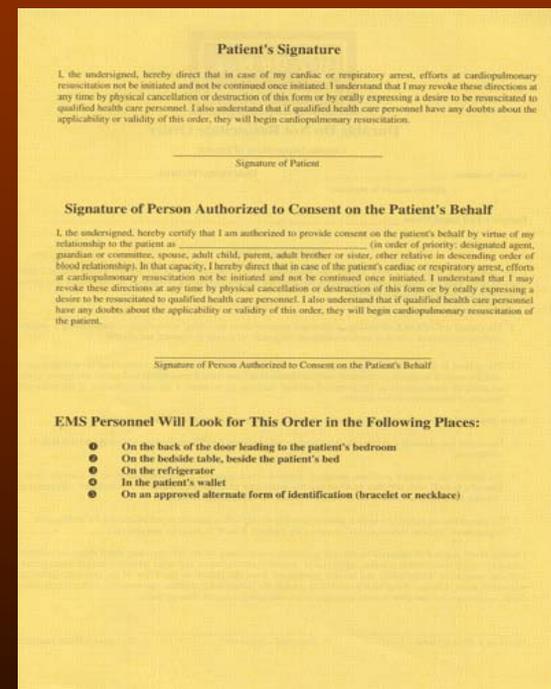
← Front



The front of the form features a red 'STOP Do Not Resuscitate' sign at the top. Below it is the title 'Durable Do Not Resuscitate Order' and the Virginia Department of Health logo. The form includes fields for 'Order Number' and 'Date Order Written'. A section titled 'Physician's Order' contains three numbered options for medical decisions, with instructions on how to check the appropriate one. At the bottom, there are lines for the physician's printed name, signature, and emergency phone number.

This form is a distinctive yellow.

Back →



The back of the form contains two signature sections. The first is 'Patient's Signature', followed by a line for the patient's signature. The second is 'Signature of Person Authorized to Consent on the Patient's Behalf', followed by a line for the authorized person's signature. Below these is a section titled 'EMS Personnel Will Look for This Order in the Following Places:' with four bullet points: 'On the back of the door leading to the patient's bedroom', 'On the bedside table, beside the patient's bed', 'On the refrigerator', and 'In the patient's wallet'. A final bullet point states 'On an approved alternate form of identification (bracelet or necklace)'.

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# *Virginia's Durable DNR Order*

## *§ 54.1-2987.1*

- A Durable Do Not Resuscitate Order may be issued by a physician for his patient with whom he has a bona fide physician/patient relationship as defined in the guidelines of the Board of Medicine, and only with the consent of the patient *or*,



# *Virginia's Durable DNR Order*

## *§ 54.1-2987.1*

- 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.



# *Virginia's Durable DNR Order*

## *§ 54.1-2987.1*

- To clarify: This means that a DDNR order may be issued by a physician upon the request of a person authorized to consent on the patient's behalf in cases when the patient is a **minor** or **incapable** of making an informed decision regarding consent for a DDNR order.*



# *Virginia's Durable DNR Regulations*

*12 Va. Administrative Code 5-66*

- Originally passed in 1992 and most recently amended in 2002
- Allows an EMS provider to honor a doctor's order for humane comfort measures while avoiding resuscitation in a patient's last minutes
- Virginia Code Section 54.1-2982

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# *Highlights of 2002 Durable Do Not Resuscitate amendments*

- a Durable DNR order does not expire;
  - *Note: this replaced the old EMS/DNR that was only valid for one-year.*
- follows a patient throughout the entire health care setting and can be honored in:
  - pre-hospital setting
  - hospital
  - nursing home
  - other licensed institution



# *Highlights of 2002 Durable Do Not Resuscitate amendments (cont.)*

- must be issued in writing by an attending physician for a patient with whom he has a bona fide physician/patient relationship
- must be consented to by the patient or a person who is authorized to consent for the patient; i.e. the parent or guardian of a minor child
  - *Note that this legislation permits issuance of a DNR to a minor*



# *Highlights of 2002 Durable Do Not Resuscitate amendments (cont.)*

- authorizes EMS providers to recognize an approved Durable DNR bracelet or necklace in place of the Durable DNR form. *EMS providers DO NOT have to see the Durable DNR Order form when patients are wearing jewelry.*
- authorizes licensed hospital personnel, when acting within their scope of practice, to honor a Durable DNR Order



# *Highlights of 2002 Durable Do Not Resuscitate amendments (cont.)*

- authorizes the issuance of Durable DNR Order for patients who, because of bona fide religious convictions, do not wish to receive medical interventions for cardiac or respiratory arrest



# *“Other” DNR Orders*

- EMS providers can also honor an **“Other” DNR Order** that is in a patient’s chart in a health care facility for transport from one healthcare facility to another pursuant to § 54.1-2987.1



## *“Other” DNR Orders Con’t*

- "This section *shall not prevent, prohibit or limit* a physician from issuing a written order, other than a Durable Do Not Resuscitate Order, not to resuscitate a patient in the event of cardiac or respiratory arrest in accordance with accepted medical practice."



# “Other” DNR Orders Con’t

- An “Other” DNR Order is written or verbally given by a physician who has a bona fide physician/patient relationship. The physician’s order *requires the same information that is on the yellow State DNR form*. It must contain the patient’s full legal name, the physician’s signature and the date issued.
- This can be written on the patient’s chart or a doctor’s prescription pad.



# *“Other” DNR Orders Con’t*

- EMS providers can honor the “Other” DNR for transport from one healthcare facility to another, however, *the EMS provider does not have to take this “Other” DNR Order when transporting a patient from one health care facility to another.*
- Instead, they **must document in writing** on their Pre-Hospital Patient Call Report form that they received a doctor’s verbal order or were shown a valid “Other” DNR order.



# *Approved DDNR Bracelets or Necklaces*

- Approved Durable DNR bracelets and necklaces can be honored in place of the Virginia Durable DNR Order form by EMS providers. This jewelry is only available from approved vendors.

Oneida Nameplate Company  
Phone: 1 877 925-2586

Appomattox Drug Store  
Phone: 1 800-330-7225

- The patient must furnish the vendor a copy of their Virginia Durable DNR Order form as proof.
- The Office of EMS does not sell or provide these items.

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# *DNR Orders from Other States*

- DNR Orders from other states cannot be honored by Virginia EMS providers.
  - Immediately contact Medical Control for guidance
- The Virginia Durable DNR Order **cannot be honored** in other states.



# *Feel Like a Referee in DNR Situations?*



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# *Local EMS Response to Virginia's Durable DNR Order*

- **Follow Virginia Durable DNR Protocols**
  - perform routine patient assessment and resuscitation/intervention until Virginia Durable DNR status **is confirmed**
    - Original copy of Virginia Durable DNR Order is present & current.
    - Patient is wearing a Durable DNR bracelet or necklace approved by the Office of EMS.
    - “Other” DNR has been seen and documented.



# *Termination of Resuscitation Efforts*

- Guidelines of the Regional Operational Medical Directors - Policies & Procedures
  - If resuscitation efforts have been initiated prior to confirmation of a valid DDNR, contact Medical Control for guidance
- **REMEMBER** that termination of resuscitation efforts is a Medical Control decision only



# *Termination of Resuscitation Efforts cont'd*

- Guidelines of the Regional Operational Medical Directors - Policies & Procedures
  - provide full advanced life support level care until directed otherwise by Medical Control
    - defibrillation (as indicated)
    - endotracheal intubation
    - intravenous access
    - medication administration (as indicated by protocol)



# *What Occurs When Resuscitation Efforts are Terminated on the Scene?*

- Document the time and physician (Medical Control) name on the EMS Incident Report
- Notify local law enforcement, which will take a report
  - *local jurisdiction regulations may vary*  
*(so check with your local law enforcement agency)*
- Attend to the emotional needs of family members
- Document patient history, condition and all treatment provided on the EMS Incident Report



# *Virginia's DDNR Protocol*

- Look for the original Durable DNR Order form:
    - at the patient's bedside
    - on back of the bedroom door
    - on the refrigerator
    - in the patient's wallet
  - Or, look for a Virginia approved Durable DNR bracelet or necklace, which can be honored in place of the form
- Note: If the Virginia Durable DNR Order form has been defaced, consider the Virginia Durable DNR Order **INVALID***



# *Virginia's Durable DNR Protocol cont'd*

- **Verify identity of patient** through either family, friends, other health care providers present or photo ID such as driver's license

*Or*

- **Make a good faith effort** to verify the patient's identity



# *Virginia's Durable DNR Protocol cont'd*

- Procedure in absence of an advance directive
- Procedure for advance directive without agent
- Persons who may authorize treatment for patients incapable of informed decisions

*See § 54.1-2986 for description in Code of what to do!*



# *What EMS providers can do*

- **Comforting interventions that are encouraged:**

- opening airway (NOT intubation or bag/valve mask ventilation)
- suctioning
- oxygen
- make patient comfortable



# *What EMS providers can do*

- **Comforting interventions that are encouraged:**
  - control any bleeding
  - administer pain medications  
(ALS only - per protocol)
  - be supportive to patient & family
  - contact patient's physician or Medical Control for questions or problems



# *What measures to avoid*

- **If a valid Durable DNR exists, these resuscitative measures should be avoided:**
  - CPR
  - intubation (ET tube, EOA, PTL, or other advanced airway management)
  - defibrillation
  - cardiac resuscitation medications
  - artificial ventilation

*Remember, terminating resuscitation is a  
Medical Control decision!*



# *Who May Revoke a Virginia Durable DNR Order?*

- The **patient**
  - by destroying the Virginia Durable DNR Order form or removing the approved Durable DNR bracelet or necklace
  - by verbally withdrawing the order
- The **patient's physician**
- The **authorized decision maker for the patient**



# *Incident Documentation is important*

- use standard agency EMS Incident (PPCR) Report form
- Attach the original Virginia DDNR form to your agency report (original yellow form only; *DO NOT TAKE DDNR jewelry or "Other DDNR Order"*)
- document which identification was used to confirm DNR status - Virginia DDNR form, bracelet or necklace; or “Other” DDNR Order
- document the patient’s attending physician’s name



# *The Guiding Principle*

Durable Do Not Resuscitate Order  
does not mean

*Do Not Treat!*

or

*Do Not Care!*

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# *Frequently Asked Questions*

- Can EMS providers honor a DNR order other than the Virginia Durable DNR Order Form?
  - **Yes.** All EMS DNR Orders in effect on July 01, 1999, are considered Durable DNR Orders and remain valid until revoked (there may still be a few of these old orders in circulation)
  - You can honor other authorized DNR orders for patients who are in a hospital or other licensed health care facility
    - orders must be written or verbally given by a physician who has a bona fide physician/patient relationship, directing that a patient not be resuscitated
    - the order must include the patient's full legal name, the physician's signature and the date issued



# *Frequently Asked Questions*

- If the patient is not wearing an approved Virginia Durable DNR bracelet or necklace that we can honor, **must we take the original copy** of the Durable DNR or EMS DNR Order form with us when we transport a patient?

If you do not have an “Other” DNR the answer is

- **Yes**. During transport **you must have the original copy** of either the Durable DNR Order Form or the older EMS DNR Order.



# *Frequently Asked Questions*

- Can I request a Durable DNR Order Form to take to my doctor for his signature?
  - **No**. The Office of EMS issues these forms only to physicians and licensed health care agencies. This includes:
    - ↳ hospitals
    - ↳ nursing facilities
    - ↳ nursing homes
    - ↳ adult care residences
    - ↳ assisted living facilities
    - ↳ ambulatory surgical centers
    - ↳ hospices



# *Additional Information*

OEMS has a “**Durable DNR FACT SHEET**” available for free download and a sample form from our web site with information for both **EMS providers** and **Healthcare facilities**.

Durable DNR Forms are NOT intended for use in admission or welcome packages. We have a sample form posted on our web site for such use.

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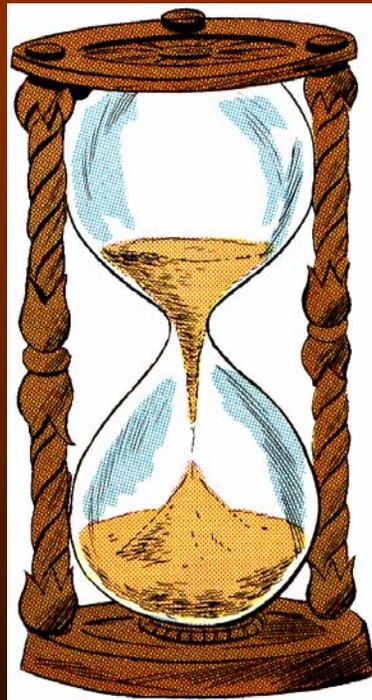


# *Additional Information*

- Web site for the Virginia Office of EMS Durable Do Not Resuscitate Regulations, Protocols, Forms & other information:
- [www.vdh.virginia.gov/oems](http://www.vdh.virginia.gov/oems)
- Use the drop down box next to *--Program Select--* and choose *Durable DNR*



# *Questions?*



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