

2019 REVISIONS TO  
OHIO ADMINISTRATIVE CODE 3701-62

**DO NOT RESUSCITATE PROTOCOL  
AND  
THE STATE OF OHIO DNR ORDER FORM**

PRESENTATION FOR EMS

Effective September 1, 2019

# STATE OF OHIO DNR COMFORT CARE: HISTORY AND PURPOSE

- The State of Ohio DNR (Do Not Resuscitate) Comfort Care program was created under the jurisdiction of the Ohio Department of Health and initially became effective on May 20, 1999 as an additional option for advance directives
- The Ohio DNR Comfort Care program is accessible to patients of all ages and provides a choice of two options, DNR Comfort Care and DNR Comfort Care Arrest, for all enrollees including, but not limited to, those with chronic or terminal medical conditions
- The Ohio DNR Comfort Care program is the only form of advance directive with the following features:
  - Honored by EMS (emergency medical services) upon identification of the DNR Comfort Care logo
  - Transportable (does not have to be reinstated with each healthcare facility admission or transfer)
  - Provides civil liability protection for healthcare providers who follow the DNR Comfort Care Protocol
- The most recent revision of the State of Ohio DNR Comfort Care regulations are effective on **September 1, 2019**

## DNR IDENTIFICATION: ITEMS APPROVED BY THE STATE OF OHIO

- The state of Ohio DNR Comfort Care order form
- Jewelry items (bracelet or necklace) with the Ohio DNR Comfort Care logo and patient's identifying information
- A DNR Comfort Care wallet card; or
- A transparent hospital type bracelet with the Ohio DNR Comfort Care logo and patient's information
- A person's printed form of a living will declaration that includes language that authorizes the withholding or withdrawal of CPR

## DNR IDENTIFICATION: OHIO DNR COMFORT CARE LOGO

- All approved DNR identification items in the Ohio DNR Comfort Care program bear this logo
- This logo can be found on the Ohio DNR Comfort Care order forms as well as jewelry, bracelets, necklaces, wallet cards, and transparent hospital bracelets
- The Ohio DNR Comfort Care logo facilitates the ability of Ohio EMS providers and other healthcare providers to rapidly identify individuals who have an Ohio DNR Comfort Care order



# THE NEW OHIO DNR COMFORT CARE FORM

(SINGLE PAGE FORMAT)



A printed copy of this order form or other authorized DNR identification must accompany the patient during transports and transfers between facilities.

Patient Name:	Patient Birth Date:
/ /	
Optional Patient or Authorized Representatives Signature	
Printed name of Physician, APRN, or PA*	Date
REQUIRED Signature of Physician, APRN, or PA	Phone
REQUIRED for APRN or PA: Name of the supervising physician (PA) or collaborating physician (APRN) for this patient and the physician's NPI, DEA, or Ohio medical license number.	

**CHECK ONLY ONE BOX BELOW**

**DNR Comfort Care – Arrest:** Providers will treat patient as any other without a DNR order until the point of cardiac or respiratory arrest at which point all interventions will cease and the DNR Comfort Care protocol will be implemented.

**DNR Comfort Care:** The following DNR protocol is effective immediately.

**DNR PROTOCOL**

Providers Will:	Providers Will Not:
<input type="checkbox"/> Conduct an initial assessment	<input type="checkbox"/> Perform CPR
<input type="checkbox"/> Perform Basic Medical Care	<input type="checkbox"/> Administer resuscitation medications with the intent of restarting the heart or breathing
<input type="checkbox"/> Clear airway of obstruction or suction	<input type="checkbox"/> Insert an airway adjunct
<input type="checkbox"/> If necessary for comfort or to relieve distress, may administer oxygen, CPAP or BiPAP	<input type="checkbox"/> Defibrillate, cardiovert, or initiate pacing
<input type="checkbox"/> If necessary, may obtain IV access for hydration or pain medication to relieve discomfort, but not to prolong death	<input type="checkbox"/> Initiate continuous cardiac monitoring
<input type="checkbox"/> If possible, may contact other appropriate health care providers (hospice, home health, physician, APRN, or PA)	

Physicians, emergency medical services personnel, and persons acting under the direction of or with the authorization of a physician, APRN or PA who participate in the withholding or withdrawal of CPR from the person possessing the DNR identification are provided immunities under section 2133.22 of the Revised Code. This DNR order is effective until revoked and may not be altered. Any medical orders, instructions, or information, other than those required elements of the form itself, that are written on this order form are not transportable and are not provided protections or immunities.

\* A DNR order may be issued by an Advanced Practice Registered Nurse (APRN) or Physician Assistant (PA) when authorized by section 2133.211 of the Ohio Revised Code. Form HEA 1930 Revised 09/01/2019



# THE OHIO DNR COMFORT CARE ORDER FORM IMPORTANT EXCLUSION CRITERIA FOR EMS

- A DNR Comfort Care order form may now be completed by a physician, advanced practice registered nurse, or physician assistant (hereafter referred to as an authorized healthcare provider)
- While other healthcare providers may be able to accept an Ohio DNR Comfort Care order form that is signed by an advanced practice registered nurse or a physician assistant, **this is not permitted by certified Ohio EMS providers. For certified Ohio EMS providers to accept an Ohio DNR Comfort Care order form, a physician's signature is required**

## OHIO LAW THAT AUTHORIZES OHIO EMS PROVIDERS TO PERFORM SERVICES

- Currently, Ohio law only permits certified Ohio EMS providers to perform services via two avenues:
  1. Pursuant to written or verbal authorization of physician or cooperating physician advisory board
  2. Pursuant to authorization transmitted through a direct communication device (i.e., on-line medical direction) by a physician, physician assistant designated by a physician, or a registered nurse designated by a physician

**Ohio Revised Code 4765.35(D)(1), 4765.37(D)(1), 4765.38(C)(1), 4765.39(C)(1)**

# THE OHIO DNR COMFORT CARE ORDER FORM

- Must be signed by a physician, advanced practice registered nurse (APRN), or physician assistant (PA)
- Does not expire and is valid until revoked by the individual (or other authorized individual or agent)
- Does not have to be signed by the individual



# THE OHIO DNR COMFORT CARE FORM



AMENDED  
Appendix  
3701-62-04

DATE: 04/22/2019 11:46 AM  
DNR ORDER FORM

A printed copy of this order form or other authorized DNR identification must accompany the patient during transports and transfers between facilities.

Patient Name:	Patient Birth Date: / /
Optional Patient or Authorized Representatives Signature	
Printed name of Physician, APRN, or PA*	Date
REQUIRED Signature of Physician, APRN, or PA	Phone
REQUIRED for APRN or PA: Name of the supervising physician (PA) or collaborating physician (APRN) for this patient and the physician's NPI, DEA, or Ohio medical license number.	

## CHECK ONLY ONE BOX BELOW

**DNR Comfort Care – Arrest:** Providers will treat patient as any other without a DNR order until the point of cardiac or respiratory arrest at which point all interventions will cease and the DNR Comfort Care protocol will be implemented.

**DNR Comfort Care:** The following DNR protocol is effective immediately.

## DNR PROTOCOL

### Providers Will:

- Conduct an initial assessment
- Perform Basic Medical Care
- Clear airway of obstruction or suction
- If necessary for comfort or to relieve distress, may administer oxygen, CPAP or BiPAP
- If necessary, may obtain IV access for hydration or pain medication to relieve discomfort, but not to prolong death
- If possible, may contact other appropriate health care providers (hospice, home health, physician, APRN, or PA)

### Providers Will Not:

- Perform CPR
- Administer resuscitation medications with the intent of restarting the heart or breathing
- Insert an airway adjunct
- Defibrillate, cardiovert, or initiate pacing
- Initiate continuous cardiac monitoring

Physicians, emergency medical services personnel, and persons acting under the direction of or with the authorization of a physician, APRN or PA who participate in the withholding or withdrawal of CPR from the person possessing the DNR identification are provided immunities under section 2133.22 of the Revised Code. This DNR order is effective until revoked and may not be altered. Any medical orders, instructions, or information, other than those required elements of the form itself, that are written on this order form are not transportable and are not provided protections or immunities.

\* A DNR order may be issued by an Advanced Practice Registered Nurse (APRN) or Physician Assistant (PA) when authorized by section 2133.211 of the Ohio Revised Code. Form HEA 1930 Revised 09/01/2019

Unlike other advance directives, the Ohio DNR Comfort Care document is the only one that is:

- Transferable across healthcare agencies and sectors
- With a physician's signature, can be recognized by EMS
- Provides liability protection for EMS and other healthcare providers who follow the DNR protocol

# THE OHIO DNR COMFORT CARE ORDER FORM

- EMS shall follow the instructions on the Ohio DNR Comfort Care order form (original or copies)
  - If other orders are written on the Ohio DNR Comfort Care order form, the additional written orders are not valid and EMS shall not follow them
  - If a provider has written additional orders on a state of Ohio DNR Comfort Care order form, this does not invalidate the DNR Protocol portion of the Ohio DNR Comfort Care order

# VALID OHIO DNR COMFORT CARE IDENTIFICATION: EMS AND HEALTHCARE PROVIDER RESPONSE

- DNRCC - Arrest – Provide all medical care necessary, within the provider's scope of practice, until the patient experiences cardiac or respiratory arrest, then follow the DNR Comfort Care protocol
- DNRCC - Follow the DNR Comfort Care protocol

**DNR does not mean do not treat!**

## DNR PROTOCOL: SERVICES TO PROVIDE

- EMS will...
  - Conduct an initial assessment
  - Perform basic medical care
  - Clear airway of obstruction or suction
  - If necessary for comfort or to relieve distress, may administer oxygen, CPAP, or BiPAP
  - If necessary, may obtain IV access for hydration or pain medication to relieve discomfort, but not to prolong death
  - If possible, may contact other appropriate health care providers (hospice, home health, physician, APRN, PA)

## PROLONGATION OF DEATH

- The provision of care with the intent of extending the length of a person's life even though the measures are anticipated to ultimately be futile as opposed to the provision of comfort measures which support a peaceful onset of death and do not interrupt the natural process of dying

# DNR PROTOCOL: SERVICES TO WITHHOLD

- EMS will not.....
  - Perform CPR
  - Administer resuscitation medications with the intent of restarting the heart or breathing
  - Insert an airway adjunct
  - Defibrillate, cardiovert, or initiate pacing
  - Initiate continuous cardiac monitoring

## DNR PROTOCOL: BASIC MEDICAL CARE

- Basic medical care may include, but is not limited to:
  - Hemorrhage control
  - Immobilizing a suspected injured joint or fractured bone
  - Administration of epinephrine for anaphylaxis
  - Provide glucose to a diabetic patient with hypoglycemia
  - Physical assessment
  - Clearing the airway
  - Intravenous or intraosseous venous access for non-resuscitative fluid hydration or administration of analgesics

## AUTHORIZED HEALTH CARE PROVIDER

- Health care providers authorized to sign a do-not-resuscitate order form for a person and is limited to the person's:
  - Attending physician
  - Advanced practice registered nurse working with a collaborating physician
  - Physician assistant and the action is taken pursuant to a physician supervisory plan and approved pursuant to the policies of a health care facility in which the PA is working
  - **Ohio EMS providers are prohibited from accepting written orders from advanced practice registered nurses and physician assistants**
- Ohio Administrative Code 3701-62-01 Definitions.



## EMS MEDICAL DIRECTORS: OPERATIONAL ADVISORY

- **Ohio EMS providers are prohibited from accepting written orders from advanced practice registered nurses and physician assistants**
- EMS medical directors **should not** provide written protocols directing EMS providers to accept Ohio DNR Comfort Care order forms signed by advanced practice registered nurses or physician assistants
- EMS medical directors, in partnership with their respective EMS agencies, are advised to consult their legal counsel for advice on an operational procedure

## EMS MEDICAL DIRECTORS: ADMINISTRATIVE ADVISORY

- Analogous to certified Ohio EMS providers, all physician assistants and registered nurses, including advanced practice registered nurses, are required to function under the authorization of a licensed physician
- Physician assistants and advanced practice registered nurses are required to identify the authorizing physician on the Ohio DNR Comfort Care order form; however, they are currently not mandated to obtain an actual written co-signature from the physician
- **A written signature from a physician is still required for Ohio EMS providers to accept the order in this scenario**

## EMS MEDICAL DIRECTORS: ADMINISTRATIVE ADVISORY

- Authorization of an advance directive is a distinctly different action than authorization of termination of resuscitation
- It is not advisable to authorize an advance directive for an individual for which a physician-patient relationship does not exist especially when the physician has no knowledge of the patient's name, physical assessment, medical history, personal wishes, or family dynamics
- An EMS medical director providing a “carte blanche” written protocol to accept Ohio DNR Comfort Care order forms signed by physician assistants or advanced practice registered nurses could potentially be perceived as the primary authorizing physician of record if litigation arises

## EMS PROVIDERS OPERATIONAL ADVISORY

- **By Ohio law, EMS providers shall only accept written orders from a physician**
- EMS providers shall follow the Ohio DNR Comfort Care Protocol when presented with an Ohio DNR Comfort Care order form that is signed by a physician

## EMS PROVIDERS OPERATIONAL ADVISORY

- **Ohio EMS providers are prohibited from accepting written orders from advanced practice registered nurses and physician assistants**
- Ohio EMS providers who are presented with an Ohio DNR Comfort Care order form that is not signed by a physician are advised to exercise one or both of the following options:
  - Follow the written protocol for other forms of advance directives, e.g. attorney-generated documents such as living wills, that has been authorized by their EMS medical director
  - Contact medical direction to discuss the potential for termination of resuscitation

# OHIO DNR COMFORT CARE IDENTIFICATION: REVOCATION

- An individual can revoke their own DNR at any time either verbally or by destroying the DNR order form or permanently removing the DNR identification items
- An authorized health care provider may revoke an Ohio DNR Comfort Care order by issuing an order discontinuing the Ohio DNR Comfort Care order and destroying or removing the forms or items of Ohio DNR Comfort Care identification
- When an Ohio DNR Comfort Care form has been discontinued with a valid order, the authorized health care provider shall ask the patient of the health care facility prior to discharge or transfer if he or she wishes to make another DNR declaration

# HEALTH CARE POWER OF ATTORNEY: REVOCAION

- An agent acting under a valid Health Care Power of Attorney document
  - Can only revoke a DNR order if the agent was the one who requested and had the DNR order form completed on behalf of the individual
  - Unless there is a substantial change in the principal's (patient's) medical condition, a valid Ohio DNR Comfort Care order and/or identification to which the principal consented cannot be overridden or invalidated by the agent acting under the health care power of attorney document
- **Ohio Administrative Code 3701-62-10** Relationship of DNR orders and identification with living will declarations and durable powers of attorney for health care.

## HEALTH CARE POWER OF ATTORNEY: EMS RESPONSE

- If an agent acting under a valid Health Care Power of Attorney document presents a valid Health Care Power of Attorney document and identification and the individual being treated does not have DNR identification, EMS personnel should follow the written protocol that has been authorized by the medical director of the EMS agency or contact medical direction
- **Ohio Revised Codes 4765.35 (D)(1), 4765.37(D)(1), 4765.38(C)(1), 4765.39(C)(1), Authorized services by first responders, EMT-basic, EMT-intermediate, emergency medical technician-paramedic.**
- **Ohio Administrative Code 3701-62-10 Relationship of DNR orders and identification with living will declarations and durable powers of attorney for health care.**



## LIVING WILLS THE EMS RESPONSE

- A living will is not operative until a physician (or physicians) determines that the individual is in a terminal or permanently unconscious state and no longer able to make informed decisions
- When presented with a living will document, EMS providers should follow the written protocols that have been authorized by the medical director of their EMS agency

## SCENARIO #1

- As an EMS provider, you respond to an unresponsive person at a residence. On scene, you find an 83 year old male lying in bed. He is pulseless and not breathing. His wife states he had a long history of lung cancer, he has been in hospice care for 3 weeks, and she points to the Ohio DNR Comfort Care bracelet that he is wearing. She tells you he “went peacefully and that he wanted nothing done. At this time, the patient’s son enters the room and loudly demands that you do everything you can for his dad. The son states that “Dad wouldn’t want to go like this. He would want to live longer.”
- What are the appropriate actions to take?

## ANSWER TO SCENARIO #1

- The patient is wearing an approved and recognized Ohio DNR Comfort Care identification bracelet
- EMS personnel shall follow the Ohio DNR Comfort Care protocol
- EMS personnel shall attempt to explain to the son that the patient has a valid Ohio DNR Comfort Care bracelet, and that EMS is bound by law to follow the expressed choices of the individual

## SCENARIO # 2

- As an EMS provider, you respond to an unresponsive person at a nursing home. On scene you find an 67 year old female lying in bed. She is pulseless and not breathing. Nursing staff is performing CPR on the patient. The staff believes the patient recently obtained a DNR order from her physician but they cannot find it. Per your local protocol, you take over CPR and start advanced care. As you are getting your airway equipment ready, a staff member comes into the room and states they found the Ohio DNR Comfort Care document. You examine it and find that it is completed on a Ohio DNR Comfort Care form. It is signed by the physician, but is not signed by the patient.
- What are the appropriate actions that should be taken?

## ANSWER TO SCENARIO #2

- Once presented with the Ohio DNR Comfort Care document signed by the physician, EMS personnel shall discontinue resuscitative efforts and initiate the Ohio DNR Comfort Care protocol
- The signature of the patient on the Ohio DNR Comfort Care document is optional. The absence of a patient's signature does not invalidate the Ohio DNR Comfort Care document

## SCENARIO #3

- As an EMS responder, you are treating a 91 year old male for acute respiratory difficulty. In between labored breaths, he mentions to you that he has an Ohio DNR Comfort Care form and shows you his wallet card. You note that the box for “DNR Comfort Care Arrest” is checked. During your initial treatment, the patient becomes unresponsive. Your immediate assessment finds the patient’s pulse is slowing and his respirations seem more difficult.
- What are your initial actions?

## ANSWER TO SCENARIO #3

- The EMS providers initial actions are governed by the Ohio DNR Comfort Care Arrest protocol
- Initial Action:
  - Providers will treat patient as any other without an Ohio DNR Comfort Care order until the patient has a cardiac arrest or a respiratory arrest

## SCENARIO #3 (CONTINUED)

- A few minutes after going unresponsive, you notice that the patient's heartbeat has stopped.
- Now, what are your actions?



## ANSWER TO SCENARIO #3

- As they were earlier, the EMS providers next actions are governed by the Ohio DNR Comfort Care Arrest protocol
- Next actions -
  - At the point of cardiac or respiratory arrest, all resuscitative interventions, including cardiopulmonary resuscitation (CPR) and cardiac monitoring, will be discontinued immediately and the comfort measures cited within the Ohio DNR Comfort Care Protocol will be initiated by emergency medical services personnel and other healthcare providers

## SCENARIO #4

- You are an EMS provider who arrives at an extended care facility. The staff informs you that the patient has an Ohio DNR Comfort Care order, but they do not have the form or a copy of it to give to your EMS unit. They request that you proceed with treatment and transport of the patient, and they will fax the Ohio DNR Comfort Care order document to the hospital. Enroute, the patient sustains a cardiopulmonary arrest.
- What is the appropriate action that you should take?

## ANSWER TO SCENARIO #4

- In this scenario, there is no definitive documentation that the patient has a valid Ohio DNR Comfort Care order. The EMS providers should follow the written protocol for the treatment of a cardiopulmonary arrest that has been provided by the EMS agency's medical director.
- EMS providers are not required to search the patient for DNR identification such as a wallet card, jewelry, or transparent hospital bracelet. If this form of DNR identification happens to be visible or is incidentally located, then the Ohio DNR Comfort Care Protocol can be initiated

## RESOURCES

- Ohio Department of Health: [www.odh.ohio.gov](http://www.odh.ohio.gov), (614) 466-3543
- Ohio Department of Public Safety, Division of EMS: [www.ems.ohio.gov](http://www.ems.ohio.gov), (614) 466-9447, (800) 233-0785
- Laws regarding certified Ohio EMS providers and the requirement for written orders from a physician or cooperating physician advisory board
  - Emergency medical responder (EMR): <http://codes.ohio.gov/orc/4765.35>
  - Emergency medical technician (EMT): <http://codes.ohio.gov/orc/4765.37>
  - Advanced emergency medical technician (AEMT): <http://codes.ohio.gov/orc/4765.38>
  - Paramedic: <http://codes.ohio.gov/orc/4765.39>
- Ohio DNR Comfort Care regulations: <http://codes.ohio.gov/oac/3701-62>

QUESTIONS ?