Virginia’s Durable DNR Order (DDNR) Program

Impact on EMS & Healthcare Agencies in Virginia
Introduction to DDNR Program

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Program Presentation Highlights

• Program Presentation
• Durable DNR (DDNR) Order
• Advanced Directive vs. DDNR Order
• Types of DNR orders that can be honored
• Appropriate response to a valid/invalid DDNR Order
• Frequently Asked Questions
What you need to know in regards to the Virginia Do Not Resuscitate Order
Virginia’s Durable Do Not Resuscitate Order

• Virginia’s Do Not Resuscitate Order, passed by the Virginia General Assembly, allows emergency medical services providers and qualified healthcare 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?
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 in accordance with § 54.1-2983.
Living Wills

- Also an advanced directive, a Living Will outlines an individual’s wishes for treatment in the event they 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.
A DNR Order is **not** an Advanced Directive

- 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
Durable Do Not Resuscitate Order

Virginia Department of Health

Patient's Full Legal Name

Physician's Order:

I, the undersigned, state that I have a lawful physician-patient relationship with the patient named above. I have certified to the patient’s medical record that he or she is a person under the care of a licensed physician and the patient’s health has been determined that life-sustaining procedures be withheld or withdrawn in the event of cardiac or respiratory arrest.

I further certify (must check 1 or 2):

1. The patient is CAPABLE of making an informed decision about providing, withholding, or withdrawing a specific medical treatment or course of medical treatment. (Signature of patient is required)

2. The patient is INCAPABLE of making an informed decision about providing, withholding, or withdrawing a specific medical treatment or course of medical treatment because he or she is unable to understand the nature, risks, or probable consequences of the proposed medical decision, or to make a rational evaluation of the risks and benefits of alternative medical decisions.

If you checked 2 above, check A, B, or C below:

A. While capable of making an informed decision, the patient has executed a written advance directive which directs that life-sustaining procedures be withheld or withdrawn.

B. While capable of making an informed decision, the patient has executed a written advance directive which appoints a "Person Authorized to Consent on the Patient's Behalf" with authority to direct that life-sustaining procedures be withheld or withdrawn. (Signature of "Person Authorized to Consent on the Patient's Behalf" is required)

C. The patient has not executed a written advance directive (living will or durable power of attorney for health care) (Signature of "Person Authorized to Consent on the Patient's Behalf" is required)

I hereby direct any and all qualified health care personnel to perform or cease to perform the actions set forth above, to withhold participation in any resuscitation (cardiac compressions, artificial ventilation, defibrillation, and related procedures) on the patient. I further direct that such personnel to provide the patient other medical interventions, such as ventilation of fluids, oxygen, or other therapies deemed necessary to provide the comfort and care of the patient.
Virginia’s Authorized Durable DNR Order (2011)

• The 2011 DDNR form is a three part form.

  Copy 1 – To be kept by patient.
  Copy 2 – To be kept in patient’s permanent medical record.
  Copy 3 – Used to order Alternate DDNR jewelry
Virginia’s Authorized Durable DNR Order (2011)

• The 2011 version of the State DDNR Order can be downloaded by health care personnel, physicians and facilities.


• The form **may be photocopied** and EMS providers can honor a photocopy.
Virginia’s Authorized Durable DNR Order (2011)

- The 2011 version of the State DDNR Order contains the same information that was included on the older authorized yellow DDNR Order.

- All the information is on one side instead of on the front and back. Instructions are provided separately.
The 2011 DDNR Order replaces this older yellow DDNR Order

This form is a distinctive yellow.
Virginia’s older DDNR Order

The previous goldenrod colored State DDNR form:

• May still be honored no matter when it was dated;
• Physicians may still complete the goldenrod State DDNR forms until supplies are exhausted;
• Photocopies of completed goldenrod colored State DDNR form may be honored indefinitely.

Virginia Department of Health
Office of Emergency Medical Services
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 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

• 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.
Durable Do Not Resuscitate Order


• The Authorized DDNR Order Form can be honored by health care personnel in any setting:
  - pre-hospital setting
  - hospital
  - nursing home
  - other licensed institution or organization
Virginia’s Durable DNR Order

• A Durable DNR order does not expire; it remains in effect until the patient or someone designated to act on the patient’s behalf revokes the order.

- Note: previous versions of the DDNR Order also remain in effect until revoked.
Virginia’s Durable DNR Order

• A DDNR Order must be issued in writing by a physician who has a bona fide physician/patient relationship.

• It 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: Legislation does not require the patient to be in a terminal condition to obtain a DDNR Order.
Physician Responsibilities

• Explain when the DDNR order is valid;
• Explain how to and who may revoke the DDNR;
• Document the patient’s full legal name;
• Document the date the DDNR was executed;
Physician Responsibilities

- Obtain the patient’s signature or the person who is authorized to consent on behalf of the patient;
- The physician’s printed name and signature must be included;
- Note a valid contact number for the physician signing the DDNR order.
Virginia’s Durable DNR Order

- Authorizes EMS providers to recognize an approved Durable DNR bracelet or necklace in place of the Durable DNR Order Form. EMS providers DO NOT have to see the Durable DNR Order Form when patients are wearing authorized DDNR jewelry.

- Authorizes qualified health care personnel, when acting within their scope of practice, to honor a Durable DNR Order
“Other” DNR Order

- EMS providers can also honor an “Other” DNR Order anytime that a person is within a qualified health care facility or during transport between health care facilities when attended by qualified health care personnel (i.e. by ambulance), or receiving hospice or health services at home pursuant to § 54.1-2987.1
“Other” DNR Order (cont’d)

• An “Other” DNR Order may be in any form as long as it includes the same information as required for DDNR orders, although a patient/authorized representative need not sign the order.

• Examples of “Other” DNR orders include facility developed DNR forms, POST forms, or other documents that contain the equivalent information as the State form.
“Other” DNR Order (cont’d)

• EMS providers can honor an “Other” DNR Order onsite or when transporting a patient from one healthcare facility to another, however, the EMS provider must take the “Other” DNR Order or a legible copy with the patient when transporting the patient in the event of a cardiac or respiratory arrest.
What is considered a Health Care Facility

- § 54.1-2987.1. Part C: "...facility, program or organization operated or licensed by the Board of Health or by the Department of Mental Health, Mental Retardation and Substance Abuse Services or operated, licensed or owned by another state agency..."

- The Board of Health licenses hospitals, outpatient surgical centers, nursing homes, home care organizations (visiting nurse), and hospice programs.
“Other” DNR Order (cont’d)

- 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."
Who can sign a DNR Order?

Physicians, Nurse Practitioner, Physician Assistant

- § 54.1-2982. Definitions. "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. "Attending physician" means the primary physician who has responsibility for the treatment and care of the patient.
Who can sign a DNR Order?

§ 54.1-2957.02. When nurse practitioner signature accepted.

• Whenever any law or regulation requires a signature, certification, stamp, verification, affidavit or endorsement by a physician, it shall be deemed to include a signature, certification, stamp, verification, affidavit or endorsement by a nurse practitioner.
Who can sign a DNR Order?

§ 54.1-2952.2. When **physician assistant** signature accepted.

- Whenever any law or regulation requires a signature, certification, stamp, verification, affidavit, or endorsement by a physician, it shall be deemed to include a signature, certification, stamp, verification, affidavit, or endorsement by a physician assistant. (Approved March 24, 2011)
DDNR Approved Jewelry

• DDNR bracelets or necklaces can be purchased from approved vendors.

Oneida Nameplate Company          Appomattox Drug Store
Phone: 1 877 925-2586                   Phone: 1 800-330-7225

• The patient must furnish the vendor with a copy of their Virginia Durable DNR Order form as proof. Page three of the 2011 version of the State DDNR Order is used for this.

• The Office of EMS does not sell or provide these items.
DDNR Approved Jewelry

All items have:

• "Virginia, Do Not Resuscitate“, 
• the person's name, 
• the doctor's name and phone number, 
• any additional information that may fit such as an allergy or additional contact number.
DDNR Approved Jewelry

• Sample Bracelet
DDNR Approved Jewelry

• Sample Necklace - Front
DDNR Approved Jewelry

• Sample Necklace - Back
DNR Orders from Other States

• Virginia law does not grant reciprocity to qualified health care personnel to honor DDNR Orders from any other state. This is typical nationwide.

• Likewise, a Virginia Durable DNR Order will not be honored by other states.

• EMS providers are encouraged to contact medical control when encountering out of state DDNR Orders.
Who May Revoke a Virginia Durable DNR Order?

- The patient or the person authorized to consent for the patient if that person initiated the DDNR being revoked:
  - By destroying the Durable DNR Order or;
  - Removing the approved Durable DNR bracelet or necklace or;
  - By verbally withdrawing the order.
Who May Revoke a Virginia Durable DNR Order?

• Previously, a patient’s next of kin, guardian of a minor, power of attorney etc. could rescind a DDNR at anytime the patient became incapable of speaking for themselves. Health care providers, including EMS providers, were required to honor the next of kin’s wishes and attempt resuscitation.

• Senate Bill 1085 (2009) amended § 54.1-2987.1 to read that only the person named on a DNR Order may revoke the order; the next of kin no longer may override a DDNR when the patient becomes unable to speak for themselves.
EMS Management of DDNR Orders

When Outside of a Health Care Facility Follow Virginia Durable DNR Protocol

• Perform a routine patient assessment.
• Perform Interventions until the patient’s DDNR status can be confirmed.
EMS Management of DDNR Orders

Confirm DDNR status by seeing:

• An original signed copy of the State DDNR Order (this may be any of the three copies and does not have to be printed on a specific color paper.)
• A legible photocopy of a signed State DDNR Order
• Patient is wearing a Virginia Durable DNR bracelet or necklace as approved by the Office of EMS.
Virginia DDNR Protocol (Cont’d)

Make a good faith effort to verify the patient’s identity.

• Positive identification by a family member, friends, other health care providers present who know the patient.

• Photo ID such as driver’s license, or other identification with photograph and signature.
Virginia DDNR Protocol (Cont’d)

• If the DDNR Order form has been altered or defaced (unreadable), consider the Virginia Durable DNR Order INVALID.
Termination of Resuscitation

• If resuscitation efforts have been initiated prior to confirmation of a valid DDNR, resuscitation should be withdrawn when a valid DDNR Order is confirmed.

• Document the time that efforts were terminated and note the type DDNR Order presented on the EMS medical record.
Virginia DDNR Protocol (Cont’d)

• EMS Providers and other qualified health care personnel are afforded by law and promulgated regulations to **not resuscitate** patients that posses a valid DDNR Order.

• Notify local law enforcement as needed. **Management by local law enforcement will vary.**
Virginia DDNR Protocol (Cont’d)

• Fully **document** patient history, condition, and all treatment provided on the EMS medical record.

• Attend to the emotional needs of family members.
A Guiding Principle

Remember Durable Do Not Resuscitate Order does not mean

Do Not Treat!

or

Do Not Care!
Treating Patients with a DDNR Order

Comforting interventions that are encouraged include:

- Patient positioning
- Supplemental oxygen
- Opening airway manually (NOT intubation or bag/valve mask ventilation)
- Suctioning
- Bleeding Control
- Intravenous fluids
- Pain medications
- Be supportive to family members
Treating Patients with a DDNR Order

If a valid Durable DNR exists, interventions that should not be performed are:

• Artificial Ventilation
• Defibrillation
• CPR
• Endotracheal Intubation or other advanced airway management including supra-glottic devices such as the King airway or the LMA, or other airway devices that pass beyond the oral pharynx, such as the Combi Tube, PTL etc.
• cardiac resuscitation medications
Frequently Asked Questions

Q: Can EMS providers honor a DNR Order other than the State Durable DNR Order Form?

A: Yes, definitely, absolutely!

- When the patient is within a qualified health care facility or being transported between facilities, or receiving hospice or health care services at home EMS may honor “Other” forms of DNR orders.

- EMS and all other qualified health care personnel may honor past State/Authorized DDNR Orders.
Frequently Asked Questions

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

A: The answer is **No**.

- During transport you will need to have the original copy or a legible photocopy of either the State Durable DNR Order Form or an “Other” DNR Order.
Frequently Asked Questions

Q: Can a private citizen download a Durable DNR Order Form to take to their doctor for her signature?

A: The answer is **Yes**.

- The State DDNR Order previously was restricted and on special security paper. Qualified health personnel will need to assure that the DDNR Order is signed by the patient’s physician.
Frequently Asked Questions

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Additional Information

• OEMS has a “DDNR FACT SHEET” available for download for qualified health care personnel that summaries the information in this presentation.

• There should only be one original DDNR form for a patient. Multiple originals should not be completed and issued.
Additional Information

• Web site for the Virginia Office of EMS Durable Do Not Resuscitate Regulations, Protocols, Forms & other information:
  www.VDH.Virginia.gov/OEMS

• The link for the DDNR Home Page is located on the bottom left hand corner.
Questions?