

Clearinghouse Rule 97-002

CERTIFICATE

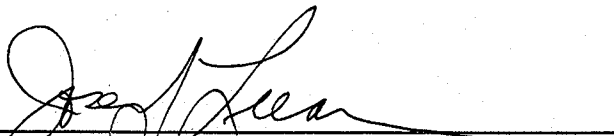
STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND FAMILY SERVICES)

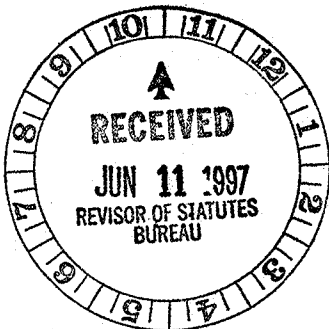
I, Joseph Leean, Secretary of the Department of Health and Family Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to do-not-resuscitate bracelets to alert emergency health care personnel of do-not-resuscitate orders were duly approved and adopted by this Department on June 11, 1997.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 11th day of June, 1997.

SEAL:


Joseph Leean, Secretary
Department of Health and Family Services



8-1-97
97-002

ORDER OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES
CREATING RULES

To create chapter HFS 125, relating to do-not-resuscitate bracelets to alert emergency health care personnel of do-not-resuscitate orders.

Analysis Prepared by the Department of Health and Family Services

A recent session law, 1995 Wisconsin Act 200, created ss. 154.17 to 154.29, Stats., relating to a do-not-resuscitate (DNR) order written by the attending physician for a patient who requests the order and who has a terminal condition or a medical condition such that, if the patient were to suffer cardiac or pulmonary failure, resuscitation would be unsuccessful or would cause significant physical pain or harm that would outweigh the possibility of successful restoration of the function for an indefinite period of time. A DNR order directs emergency health care personnel not to attempt cardiopulmonary resuscitation on a patient for whom the order is issued if that person suffers cardiac or respiratory arrest. Emergency health care personnel will know if there is a do-not-resuscitate order in effect if the patient has on his or her wrist a do-not resuscitate bracelet which has been affixed there by the patient's attending physician or at the direction of the patient's attending physician. Emergency health care personnel are expected to follow a do-not-resuscitate order unless the patient revokes the order, the bracelet appears to have been tampered with or the patient is known to be pregnant.

Section 154.19(3)(a), Stats., as created by Act 200, permits the Department to establish procedures by rule for emergency health care personnel to use in following do-not-resuscitate orders, and s. 154.27, Stats., as created by Act 200, requires the Department to establish by rule a uniform standard for the size, color and design of do-not-resuscitate bracelets.

The rules establish a uniform standard for do-not-resuscitate bracelets and a procedure for emergency medical technicians (EMTs), first responders and emergency health care facility personnel to use in following do-not-resuscitate orders.

The Department's authority to create these rules is found in ss. 154.19(3)(a) and 154.27, Stats., as created by 1995 Wisconsin Act 200. The rules interpret subch. III of ch. 154, Stats., as created by 1995 Wisconsin Act 200.

SECTION 1. Chapter HFS 125 is created to read:

Chapter HFS 125

DO-NOT-RESUSCITATE ORDERS DIRECTED AT EMERGENCY HEALTH CARE PERSONNEL

- HFS 125.01 Authority and purpose
- HFS 125.02 Applicability
- HFS 125.03 Definitions
- HFS 125.04 Do-not-resuscitate bracelet
- HFS 125.05 Following do-not-resuscitate orders

HFS 125.01 AUTHORITY AND PURPOSE. This chapter is promulgated under the authority of ss. 154.19(3)(a) and 154.27, Stats., to establish requirements for the size, color and design of a do-not-resuscitate bracelet worn by a qualified patient for whom a do-not-resuscitate order has been written by the attending physician under s. 154.19 (1), Stats., at the patient's request, and which is to be followed by emergency health care personnel in the event of the patient suffering cardiac or pulmonary arrest, and to establish procedures for emergency health care personnel to follow in honoring a do-not-resuscitate order.

HFS 125.02 APPLICABILITY. This section applies to any person providing health care as an emergency medical technician or a first responder, or within an emergency health care facility.

HFS 125.03 DEFINITIONS. In this section:

- (1) "Ambulance run report form" means the form that the ambulance service provider under s. HSS 110.04(3)(b) requires emergency medical technicians to complete at the end of each ambulance run.
- (2) "Department" means the Wisconsin department of health and family services.
- (3) "Do-not-resuscitate bracelet" means a standardized identification bracelet of uniform size, color and design approved by the department, that bears the inscription "Do Not Resuscitate" which signifies that the wearer is a qualified patient, as defined in s. 154.17(4), Stats., who has requested and obtained a do-not-resuscitate order and has not revoked the request for the order.
- (4) "Do-not resuscitate order" means a written order issued by a physician under the requirements of subch. III of ch. 154, Stats., that directs emergency health care personnel not to attempt cardiopulmonary resuscitation on a person for whom the order is issued if that person suffers cardiac or respiratory arrest.

(5) "Emergency health care facility staff" means staff of a hospital emergency room or an urgent care clinic whose duties are to render emergency medical care to sick, disabled or injured persons conveyed to the facility.

(5) "Emergency health care personnel" means emergency medical technicians, first responders and emergency health care facility staff.

(6) "Emergency medical technician" means an emergency medical technician-basic licensed under ch. HSS 110, an emergency medical technician-intermediate licensed under ch. HFS 111 or an emergency medical technician-paramedic licensed under ch. HFS 112, to perform specified functions relating to the administration of emergency medical procedures in a prehospital or interfacility setting and the care for and transport of sick, disabled or injured persons.

(7) "First responder" means a person who provides emergency medical care to a sick, disabled or injured individual prior to the arrival of an ambulance as a condition of employment or as a member of a first responder service, and who may or may not be certified by the department under ch. HSS 113 to perform defibrillation.

(8) "Patient" means a person who is brought for treatment to an emergency medical facility or a person to whom emergency health care personnel go to render treatment.

(9) "Qualified patient" has the meaning specified in s. 154.17(4), Stats.

HFS 125.04 DO-NOT-RESUSCITATE BRACELET. A do-not-resuscitate bracelet shall meet all of the following requirements:

(1) The bracelet shall be a clear, standard hospital-type bracelet at least 3/4 of an inch in width.

(2) The identifying information placed in the bracelet shall be printed on a bracelet insert form supplied by the department. The bracelet insert form as supplied by the department shall have on it, preprinted in blue, the words "Do Not Resuscitate" and the state seal of Wisconsin.

Note: Copies of the bracelet insert form may be obtained from the EMS Section, Division of Health, P.O. Box 309, Madison, WI 53701-0309.

(3) The physician who has issued the do-not-resuscitate order shall complete or direct another person to complete the bracelet information by printing on the bracelet insert form in size 8 or greater font all of the following information:

(a) On the left half of the form, the patient's name, address, date of birth and gender.

(b) On the right half of the form, the physician's name, business phone number and original signature.

HFS 125.05 FOLLOWING DO-NOT-RESUSCITATE ORDERS. (1) GENERAL REQUIREMENT. Emergency health care personnel shall follow a do-not-resuscitate order, as evidenced by a patient wearing a do-not-resuscitate bracelet, unless the order is invalidated by a condition under sub. (3). If there is any doubt about honoring a do-not-resuscitate bracelet, emergency medical technicians and first responders shall contact the medical control hospital and emergency health care facility staff shall contact the director of emergency services.

(2) **PROCEDURE.** Emergency health care personnel shall carry out the following procedure in the emergency care setting:

(a) Assess the patient.

(b) If the patient is pulseless and non-breathing, check the patient's wrist for a do-not-resuscitate bracelet.

(c) If no do-not-resuscitate bracelet is found on the patient's wrist, provide usual care.

(d) If a do-not-resuscitate bracelet is found on the patient's wrist, and the bracelet is not defaced, do not undertake life support measures. Provide comfort care.

Note: Examples of comfort care include, but are not limited to, administration of oxygen, clearing the airway, controlling bleeding, positioning for comfort, providing emotional support, providing pain medication and splinting.

(3) **CONDITIONS INVALIDATING A DO-NOT-RESUSCITATE ORDER.** Any of the following conditions, as set out in s. 154.19(3)(b), Stats., invalidates a do-not-resuscitate order and therefore the obligation of emergency health care personnel to be bound by it and to honor the do-not-resuscitate bracelet on the patient's wrist or with the patient:

(a) The patient has revoked the do-not-resuscitate order by doing any of the following:

1. Expressing to an emergency medical technician, first responder or emergency health care facility staff member the desire to be resuscitated. When this is done, emergency health care personnel shall promptly remove the do-not-resuscitate bracelet.

2. Defacing, burning, cutting or otherwise destroying the do-not-resuscitate bracelet.

3. Removing the do-not-resuscitate bracelet or asking another person to remove it.

(b) The do-not-resuscitate bracelet appears to have been tampered with or removed.

(c) The emergency medical technician, first responder or emergency health care facility staff member knows that the patient is pregnant.

(4) PATIENT DESIRE NOT TO BE RESUSCITATED IS CONTROLLING.

If a member of the patient's family or a friend of the patient requests that resuscitative measures be taken, that person's request does not supersede the do-not-resuscitate order for the patient if the patient is wearing a valid do-not-resuscitate bracelet and has not revoked the order under s. 154.21, Stats.

(5) DOCUMENTATION OF PATIENT CONTACT AND REMOVAL OF PATIENT. (a) Even if resuscitation is not attempted, the emergency medical technician, first responder or emergency health care facility staff member shall document the patient contact in the patient's medical record or the ambulance run report form, as appropriate.

(b) Local protocols shall determine the procedure for removing the patient from the emergency care setting.

(6) VIOLATIONS. An emergency medical technician, first responder or emergency health care facility staff member who does any of the following is subject to the penalties set forth in s. 154.29 (1) or (2), Stats.:

(a) Willfully conceals, defaces or damages a patient's do-not-resuscitate bracelet without the patient's consent.


(b) With the intent to cause withholding or withdrawal of resuscitation contrary to the wishes of a patient, falsifies, forges or transfers a do-not-resuscitate bracelet to that patient or conceals the patient's revocation of a do-not-resuscitate order.

(c) Withholds personal knowledge of a patient's revocation of a do-not-resuscitate order.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and
Family Services

DATE: June 11, 1997

By: 
Joseph Leean
Secretary

SEAL:

