

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

DO-NOT-RESUSCITATE (DNR) PROTOCOL & IDENTIFICATION- PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT (POLST) PROGRAM

7 AAC 16. Do-Not-Resuscitate Protocol & Identification.



PUBLIC REVIEW DRAFT

August 13, 2020

SUPPLEMENTAL COMMENT PERIOD ENDS: November 23, 2020

Please see the public notice for details about how to
comment on these proposed changes.

Notes to reader:

1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.
2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.
3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.
4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”
5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

Title 7 Health and Social Services**Chapter 16. Do-Not-Resuscitate Protocol and Identification.**

7 AAC 16 is repealed and readopted to read:

7 AAC 16.010. Do-not-resuscitate protocol.

(a) This section establishes the do-not-resuscitate (DNR) protocol for physicians and other health care providers to withhold cardiopulmonary resuscitation under AS 13.52.065.

The physician or other health care provider implementing the protocol must comply with applicable state and federal laws and regulations related to the provision of or withholding of care.

(b) Unless exempted under (c) of this section, the physician or other health care provider must first clearly confirm the identity of the patient by one of the following methods:

- (1) the patient communicating the patient's name;
- (2) the patient's hospital or other institutional identification arm band;
- (3) the patient being personally known to the physician or other health care

provider;

(4) the patient's driver's license or credit card; or

(5) another person having identified the patient.

(c) If a patient is unconscious or otherwise unresponsive to questions regarding the patient's identity, the physician or other health care provider may rely solely on the department approved DNR necklace or bracelet worn by the patient, without using other methods to identify the patient.

(d) Once the patient's identity is determined under (b) or (c) of this section, the physician or other health care provider shall examine the patient, patient's available medical records, and other sources to determine the patient's DNR status. The DNR status and the patient's desire for resuscitative efforts may be determined using the following:

(1) a department-approved DNR form for the patient;

(2) a department-approved DNR card for the patient;

(3) a department-approved DNR necklace or bracelet worn, or carried, by the patient;

(4) a department-approved POLST registry or form;

(5) a DNR Physician Orders for Life Sustaining Treatment (POLST) or Medical Orders for Life Sustaining Treatment (MOLST) identification for the patient that is executed or issued in another state, a territory, or a possession of the United States that meets the requirements of AS 13.52.150; or

(6) an attending physician's DNR order, if

(A) the order is in writing and a copy has been provided or seen by the physician or other health care provider; or

(B) a verbal order has been issued directly to the physician or health care provider by the attending physician.

(e) The physician or other health care provider shall immediately proceed with patient assessment and care, including cardiopulmonary resuscitation, until the information required under (b) - (d) of this section is obtained. The cardiopulmonary resuscitation (CPR) need not be started or continued if the physician or other health care provider determines that it would be futile.

(f) After establishing that the patient is a qualified DNR patient under AS 13.52 and this chapter, the physician or health care provider may not perform CPR for a patient who does not have a pulse or is not breathing. The DNR order does not affect other care or services that the physician or other health care provider has determined are appropriate for the patient and may lawfully be performed by that provider.

(g) The qualified DNR patient or the patient's attending physician may revoke the patient's DNR status at any time and in any manner in accordance with AS 13.52.

(Eff. 10/10/96, Register 140; am ____/____/____, Register _____)

Authority:	AS 13.52.060	AS 13.52.100	AS 13.52.135
	AS 13.52.065	AS 13.52.110	AS 13.52.140
	AS 13.52.080	AS 13.52.120	AS 13.52.150
	AS 13.52.090	AS 13.52.130	AS 13.52.160

7 AAC 16.020. Department-approved DNR program.

The department adopts by reference the Alaska POLST program as its standards for department-approved DNR protocol.

(Eff. 10/10/96, Register 140; am ____/____/____, Register ____)

Authority: AS 13.52.060 AS 13.52.065

Editor's note: A copy of the Alaska POLST Program adopted by reference in 7 AAC 16.020 may be reviewed at the State of Alaska, Department of Health and Social Services, Division of Public Health, Rural and Community Health Systems Section, 3601 C Street, Suite 424, Anchorage, AK 99503.

7 AAC 16.090. Definitions.

In this chapter

- (1) "CPR" has the meaning given "cardiopulmonary resuscitation" in AS 13.52.390;
- (2) "department" means the Department of Health and Social Services;
- (3) "DNR order" has the meaning given "do-not-resuscitate order" in AS 13.52.390;
- (4) "POLST" means Physician Orders for Life Sustaining Treatment that includes DNR orders and other orders that specify a patient's wishes for other life sustaining treatment;
- (5) "MOLST" means Medical Orders for Life Sustaining Treatment that includes DNR orders and other orders that specify a patient's wishes for other life sustaining treatment.

(Eff. 10/10/96, Register 140; am ____/____/____, Register ____)

Authority: AS 13.52.065 AS 13.52.300 AS 13.52.390