

DEPARTMENT OF HEALTH



PROPOSED CHANGES TO REGULATIONS.

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

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



PUBLIC REVIEW DRAFT
November 7, 2023.

COMMENT PERIOD ENDS: December 20, 2023.

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

Notes to the 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paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.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 16.010(a) is amended to read:

(a) This section, and the **Provider** [PHYSICIAN] *Orders for Life Sustaining Treatment (POLST) Program*, adopted by reference in 7 AAC 16.020, establish the do-not-resuscitate (DNR) protocol for **a** [PHYSICIANS AND OTHER] health care **provider** [PROVIDERS] to withhold cardiopulmonary resuscitation under AS 13.52.065. The [PHYSICIAN OR OTHER] health care provider implementing the protocol shall comply with applicable state and federal laws and regulations related to the provision of or withholding of care.

The introductory language of 7 AAC 16.010(b) is amended to read:

(b) Unless exempted under (c) of this section, **a** [THE PHYSICIAN OR OTHER] health care provider must first clearly confirm the identity of **a** [THE] patient by one of the following methods:

...

((Publisher: Please remove the "or" connector from the end of 7 AAC 16.010(b)(4).))

7 AAC 16.010(c) is amended to read:

(c) If a patient is unconscious or otherwise unresponsive to questions regarding the patient's identity, a [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.

The introductory language of 7 AAC 16.010(d) is amended to read:

(d) Once a [THE] patient's identity is determined under (b) or (c) of this section, a [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 patient's DNR status and the patient's desire for resuscitative efforts may be determined using the following:

...

7 AAC 16.010(d)(4) is amended to read:

(4) the department's [POLST REGISTRY, OR THE DEPARTMENT'S] *Alaska POLST (Provider [PHYSICIAN] Orders for Life Sustaining Treatment) Form*, dated August 28, 2023 [JUNE 3, 2020,] and adopted by reference;

The introductory language of 7 AAC 16.010(d)(5) is amended to read:

(5) an attending physician's, attending advanced practice registered nurse's, or attending physician assistant's DNR order, if

...

7 AAC 16.010(d)(5)(B) is amended to read:

(B) a verbal order has been issued directly to a [THE PHYSICIAN OR] health care provider by the attending physician, **attending advanced practice registered nurse, or attending physician assistant;** [.]

7 AAC 16.010(d)(6) is amended to read:

(6) a DNR₂, POLST₂ or MOLST order or identification for the patient that is executed or issued in another state or a territory or possession of the United States and that meets the requirements of AS 13.52.150.

7 AAC 16.010(e) is amended to read:

(e) A [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. Cardiopulmonary resuscitation (CPR) need not be started or continued if the [PHYSICIAN OR OTHER] health care provider determines that it would be futile.

7 AAC 16.010(f) is amended to read:

(f) After establishing that a [THE] patient is a qualified DNR patient under AS 13.52 and this chapter, a [THE PHYSICIAN OR] health care provider may not attempt 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.

7 AAC 16.010(g) is amended to read:

(g) A [THE] qualified DNR patient, or the patient's attending physician, **attending advanced practice registered nurse, or attending physician assistant** 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 5/6/2021, Register 238; 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 is amended to read:

7 AAC 16.020. Department-approved DNR program. The department adopts by reference the department's **Provider** [PHYSICIAN] *Orders for Life Sustaining Treatment (POLST) Program*, dated **August 28, 2023** [JUNE 3, 2020], as its standards for the department-approved do-not-resuscitate (DNR) protocol. (Eff. 10/10/96, Register 140; am 5/6/2021, Register 238; am ____/____/_____, Register _____)

Authority:	AS 13.52.060	AS 13.52.065
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Editor's note: A copy of the **Provider** [PHYSICIANS] *Orders for Life Sustaining Treatment (POLST) Program*, adopted by reference in 7 AAC 16.020, may be accessed online at **<https://doh.alaska.gov/dph/Emergency/Pages/ems/programs/Alaska-Provider-Orders-for->**

Life-Sustaining-Treatment.aspx

[HTTPS://DHSS.ALASKA.GOV/DPH/EMERGENCY/PAGES/EMS/PROGRAMS/ALASKA-PHYSICIAN-ORDERS-FOR-LIFE-SUSTAINING-TREATMENT.ASPX], or may be reviewed at the State of Alaska, Department of Health, Division of Public Health, Section of Rural and Community Health Systems, 3601 C Street, Suite 424, Anchorage, AK 99503.

7 AAC 16.090(5) is amended to read:

(5) "POLST" means **provider** [PHYSICIAN] orders for life sustaining treatment, including DNR orders and other orders that specify a patient's wishes for other life sustaining treatment; **for purposes of this paragraph, "provider" or "health care provider" means a licensed physician, advanced practice registered nurse, or attending physician assistant;[.]**

7 AAC 16.090 is amended by adding a new paragraph to read:

(6) "provider" or "health care provider" has the meaning given in AS 13.52.390. (Eff. 10/10/96, Register 140; am 5/6/2021, Register 238; am ____/____/_____, Register _____)

Authority: AS 13.52.065 AS 13.52.300 AS 13.52.390