PURPOSE

To define the procedure for handling a DNR patient who has a durable power of attorney.

MISSION / VALUES RATIONALE

This policy is aligned with the Mission and Values for Presence Health. Our mission calls us to provide compassionate, holistic care with a spirit of healing and hope for all persons in the communities we serve. Our ministry is an enduring sign of our Core Values of HOPE, to instill us with integrity, inspire us to interconnect with each other, encourage us to honor diversity and dignity of each individual and empower us to always strive for exceptional performance to our patients/residents and to best serve those in need.

SPECIAL INSTRUCTIONS/FORMS TO BE USED

N/A

PROCEDURE

I. The Durable power of attorney for health care is a legal document through which an individual names an “agent” to make health care decisions on his behalf.

The power of attorney becomes effective upon a date or event described in the document, usually a legal declaration of incompetence or a physician’s determination that the individual is no longer competent to make health care decisions. Once it becomes effective, the agent then has the powers that are described in the document.

The durable power of attorney may grant the agent any and all powers to make health care decisions, or it may grant only limited powers. A standard form will usually include specific directions for handling certain situations (i.e., use of life-sustaining measures), and then grant the agent full powers to make decisions on all other matters.

II. Medical Control at St. Mary’s Hospital should be notified of the Power of Attorney for Health Care and the named agent’s instructions in withholding health care of a life sustaining procedure.

III. A life sustaining procedure is defined as one which serves only to postpone the moment of death, when death is imminent. A life sustaining procedure does not include the administration of medication, sustenance, or pain relieving procedures. Nothing in the Power of Attorney should
be construed to condone, authorize, or approve mercy killing, or to permit any affirmative or deliberate act of omission to end life, other than to permit the natural process of dying.

IV. Following the confirmation of the Power of Attorney by St. Mary’s Hospital, further transport of the patient may continue, the Coroner may be notified, or proper authorities called.

V. Appropriate “Power of Attorney” documentation includes:

A Power of Attorney for Health Care Law Form is authorized by statute (other forms may be used, provided they contain the same information). It must be signed by the individual granting the power (the “principal”), with a witness’s signature, and must name an agent.

VI. What procedures should be established to determine the validity of a Durable Power of Attorney:

As a practical matter, an EMS provider will not be held responsible for determining the validity of a Power of Attorney. In fact, any licensed health care professional, (EMT), medical care facility or employee of such a facility, shall be immune from criminal and civil liability.

VII. How should the directions of the Power of Attorney be implemented?

As a general rule, a valid Power of Attorney for Health Care which is in effect must be honored by any health care provider.

A health care provider may refuse to comply with an agent’s directions if they conflict with the provider’s right of conscience or medical judgment, but the provider must then arrange for another provider to assume care of the patient.

A health care provider’s duty to honor an agent’s directions is also subject to the scope of the provider’s license. In the context of emergency medical services, an EMT-I or EMT-P is authorized to act only under the direction of the EMS Medical Director.
NOTE: Policies with original signatures are on file in Administration.