

# Maine EMS Comfort Care/Do Not Resuscitate Program Physician Instructions

## Background

Maine Emergency Medical Services (Maine EMS) has collaborated with a number of hospitals, medical, health care and hospice associations to develop the “Comfort Care/Do Not Resuscitate” program to guide out of hospital care by EMS providers.

The Maine EMS Comfort Care/Do-Not-Resuscitate (CC/DNR) program uses two forms; an advance directive for patient’s capable of making an informed decision, the other a physician order for withholding resuscitation:

The Maine EMS **Comfort Care/DNR Directive** form is available for use by anyone over 18 years of age who is capable of making an informed decision. By completing the form, the person named on the form is directing EMS crews to not attempt resuscitation if the person’s heart or breathing stops. The Comfort Care/DNR Directive form must be signed by a licensed physician, who attests that the person has the mental capacity to make an informed decision concerning Do-Not-Resuscitate. A physician is under no obligation to sign the **Comfort Care/DNR Directive** form, but may do so if requested by the person whose name appears on the form.

The Maine EMS **Comfort Care/DNR Order** form is used when the person - whose name appears on the form - does not have the capacity to make an informed decision (e.g., guardianship, surrogate). When completed and signed by the patient’s physician and guardian/surrogate, the form documents a physician order to withhold resuscitation.

The Maine EMS **Comfort Care/Do Not Resuscitate (CC/DNR) Directive** or **CC/DNR Order** form is downloadable from the Maine EMS website - <http://www.maine.gov/ems/publications/index.html#ccdnr>. In addition to completing the form, the patient may also elect to obtain Maine EMS approved CC/DNR jewelry, which may also be accepted by EMS crews. When completed and signed, the CC/DNR Directive or CC/DNR Order authorizes licensed EMS personnel, acting in accordance with Maine EMS protocol, to withhold cardiopulmonary resuscitation in the event of cardiac or respiratory arrest.

For a variety of reasons, EMS providers are often called to assist patients even though neither the patient nor the family desire EMS resuscitative intervention. Historically, this has caused confusion and anxiety in situations where EMS personnel must make treatment decisions in a matter of seconds.

Maine EMS protocols permit EMS crews to obey a physician’s DNR order written within 1 year. However, these DNR orders come in a variety of forms with potentially varying treatment orders and expiration dates; they are difficult to understand and comprehend under the hurried and tense circumstances in which EMS crews are involved.

Maine EMS, through its Medical Direction and Practice Board, is authorized by state law (32 M.R.S.A., Chapter 2-B) to write statewide treatment protocols for all pre-hospital EMS providers. The law also provides civil liability protection to any physician who gives oral or written instruction to EMS personnel - consistent with the statewide treatment protocols - when that physician is functioning within the EMS system and practicing at a hospital.

The Medical Direction and Practice Board approved the CC/DNR Program as one of its protocols. A properly executed CC/DNR Directive or CC/DNR Order or Maine EMS-approved CC/DNR jewelry is

instantly recognized and honored by Maine EMS personnel. The CC/DNR protocol instructs them about what to do for comfort care and what not to do for resuscitative measures.

By signing the patient's CC/DNR Directive, you are attesting that the patient is capable of making an informed decision about declining resuscitation if the patient's heart or breathing stops and understands the consequences of the decision. You are under no obligation to sign a patient's CC/DNR Directive, but may do so upon the patient's request.

By completing a CC/DNR Order under this program, you are considered by Maine EMS to be issuing written instructions in accordance with this protocol, within the immunity provision mentioned previously. By maintaining a record of the CC/DNR Order in your patient's file, you are considered by Maine EMS to have met the "medical control log" requirements of 32 M.R.S.A. §93-A.1.B. *You are encouraged to review this section with legal counsel if you have questions about its applicability to your practice.*

### **AICD De-Activation**

Health care providers should determine if the person seeking the CC/DNR Directive or CC/DNR Order has an automatic implantable cardioverter-defibrillator (AICD) implanted, and discuss with the person the implications of allowing the device to remain active or de-activating the device as part of initiating a CC/DNR Directive or CC/DNR Order.

### **Obtaining Materials**

As indicated above, both the CC/DNR Directive form and CC/DNR Order form may be downloaded from the Maine EMS website [http://www.maine.gov/dps/ems/applications\\_forms.html](http://www.maine.gov/dps/ems/applications_forms.html). The forms should be printed on standard letter size white paper.

### **Instructions**

#### **CC/DNR Directive**

Ensure that the patient completes the top of the form by printing his or her name where indicated, indicating an expiration date, if desired and signing the form. Once you have discussed the form with your patient and are satisfied that the patient understands the potential risks, burdens and benefits of refusing resuscitative interventions in light of the patient's medical condition, that you believe that the patient has made an expressed informed decision about resuscitation, that you agree to comply with that decision and that you will tell any health care providers providing care under my authority to comply with this decision, sign the application form.

***The CC/DNR Directive may be signed by a licensed physician, Nurse Practitioner or Physician Assistant.***

#### **CC/DNR Order**

Complete the front of the form by filling in the patient's full name.

The appropriate authorized decision maker must sign the form in the "Signature of Designated Agent or Other Authorized Decision Maker" section.

You complete the CC/DNR Order form by signing your name as the patient's attending physician, dating the Order, typing or printing your name legibly below it and indicating an emergency number at which you may be reached, if necessary.

**The CC/DNR Order may only be signed by a licensed MD or DO.**

### Comfort Care/DNR Jewelry

A person with a properly completed **Comfort Care/DNR Directive** or **Comfort Care/DNR Order** form may also elect to receive a Comfort Care /DNR jewelry. Comfort Care/DNR jewelry should be honored by EMS crews in place of the form so long as the jewelry has been approved by Maine EMS.

The Medic Alert Foundation is an approved vendor for Maine EMS CC/DNR jewelry. Please call 1-800-625-3788 for information about receiving CC/DNR jewelry or visit their website at [www.medicalert.org](http://www.medicalert.org).

The completed CC/DNR form or approved CC/DNR jewelry must be seen by the responding EMS crew, or else they will not be able to honor the patient's wishes.

### Revoking the Order

For the Comfort Care/DNR Directive or Comfort Care/DNR Order to be followed by EMS personnel, one of the following must be available:

- The Comfort Care/DNR Directive or Order form, or
- Maine EMS approved DNR jewelry

The patient is the only one who can revoke a Comfort Care Directive and the patient or designated agent/authorized decision-maker, or you as attending physician are the only persons who can revoke a ComfortCare/DNR Order. Destroying the Directive or Order form and (if applicable) the DNR jewelry will revoke the order (If revoked and the patient has CC/DNR jewelry, the patient must notify the company issuing the jewelry so that CC/DNR information can be updated). The patient (in the case of a CC/DNR Directive) or the patient, designated agent/authorized decision maker or you as attending physician (in the case of a CC/DNR Order), can also revoke the Comfort Care/DNR Order by orally communicating that revocation to EMS providers at the scene.

### Form Location and Form Copies

To ensure that EMS providers recognize the existence of a CC/DNR Directive or CC/DNR Order, Maine EMS recommends that the CC/DNR Directive or CC/DNR Order form be placed on or near the door leading to the patient's bedroom, on the bedside table, or near the patient if he or she is ambulatory and elsewhere.

Copies may be made, with the patient's permission, for the patient's local rescue squad/EMS agency and for the hospital emergency department most likely to receive the patient in an emergency. A copy should also be placed in the patient's record in your office. However, EMS personnel will withhold resuscitation only if they can verify the original Comfort Care /DNR Directive or Order form or the jewelry-type jewelry.

## EMS Crew Responsibilities

EMS personnel, if called to treat a patient, who has a valid Comfort Care DNR Directive or Order, are encouraged to:

- Open the airway using manual airway maneuvers
- Use suction
- Administer oxygen
- Control bleeding
- Make the patient comfortable (administer pain medications if permitted)
- Act in a supportive manner to the patient, and family
- Make contact with you as attending physician or with On-Line Medical Control (the physician in emergency department) if problems arise.

In the event of respiratory or cardiac arrest, EMS providers are authorized to withhold the following:

- Cardiopulmonary resuscitation
- Artificial ventilation, airway management involving bag/valve mask use, advanced airway management, defibrillation, cardiac resuscitation or medications.

## Use of EMS by Terminally Ill Patients or Patients with Diagnosed Chronic Conditions

Terminally ill patients or patients with diagnosed chronic conditions and their caretakers often call EMS for management of complications that arise or “in panic” when the patient suddenly deteriorates. EMS crews must proceed with all treatment interventions available to them unless a CC/DNR Directive or CC/DNR Order is in place, or unless another quickly and easily understood physician DNR order written within the past year is presented to them. Your help in making your patients aware of this will greatly benefit all involved.

## Understanding CC/DNR Directive

The following may help you explain CC/DNR Directive:

By signing the CC/DNR Directive, the patient is saying, “If my heart or lungs stop working, I direct rescue crews not to try to start my heart or lungs working again. I can change my mind by destroying this form and the CC/DNR jewelry, or by telling responding rescue crews. I understand that if the rescue crew has any doubt about whether this order is legal and applies to me at the time they are called, they may have to try to start my heart or lungs working again.”

## What About the “Orange” Forms

Prior to 2007, the Maine EMS CC/DNR program used an orange-colored Comfort Care/DNR Order form, wallet card and orange-colored plastic jewelry and insert. Maine EMS providers will still honor the orange form, wallet card and jewelry, but the “orange” forms, wallet cards and jewelry are no longer available. They have been replaced by the CC/DNR Directive form and the CC/DNR Order Form. Both of the (new) forms are available for download at [http://www.maine.gov/dps/ems/applications\\_forms.html](http://www.maine.gov/dps/ems/applications_forms.html).

## Information and Questions

Call Maine EMS (tel. 207-626-3860) for more information or if you have specific questions about the Comfort Care/DNR program. Maine EMS can also provide a state or regional EMS medical director to discuss this program with you.