

Laws and Rules for CPR and DNR Comfort Care

(for Ohio Nurses)

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Description

- This activity is designed for registered nurses, licensed practical nurses, and CNPs licensed in Ohio.
- Successful completion requires finishing the course, taking the post test with a score of 80% or better, and completing an evaluation.
- 1.0 contact hour Category A will be awarded after successful completion.
- Contact the Communications, Marketing, and Talent Development department for questions concerning the content.

Disclaimers

- This session is designed for educational purposes only and is not be construed as legal advice.
- There is no conflict of interest with the planners, presenters, or any member of the planning committee.



Objectives

- Discuss the laws and rules for CPR and DNR Comfort Care for Ohio licensed nurses.
- List the scope of practice under the laws and rules.



Outcome

- Ohio nurses can expect to review and increase their knowledge on the laws and rules and application within their scope of practice for CPR and Do Not Resuscitate (DNR) Comfort Care.
- **NOTE:** This contact hour is directly related to the Ohio Nurse Practice Act and the rules of the Ohio Board of Nursing (OBN).
- Effective February 1, 2009, to qualify as Category A, the CE must be approved by an Ohio Board of Nursing (OBN) Approver, or offered by an OBN approved provider unit headquartered in the state of Ohio.

CPR

Are Nurses required to initiate CPR?

- Answer:
 - Yes
- Unless there is a DNR obtained prior to the event requiring to initiate cardiopulmonary resuscitation

Ohio Board of Nursing Law

- **4723.151 Unlicensed practice.**
 - ▣ Medical diagnosis, prescription of medical measures, and the practice of medicine or surgery or any of its branches by a nurse are prohibited.
- **4723.36 Determination of Death by CNP or CNS**
 - ▣ Can determine death and withhold CPR

Ohio Board of Nursing Rules

Ohio Administrative Code (OAC)4723-4-03

- ❑ A **registered nurse** shall demonstrate competence and accountability including:
 - ❑ Consistent performance of all aspects of nursing care
 - Recognition, referral or consultation, and intervention, when a complication arises.

- ❑ Use acceptable standards of safe nursing care as a basis for any observation, advice, instruction, teaching, or evaluation

Ohio Administrative Code (OAC)4723-4-07

- ❑ Implements the standards for the nursing process

Ohio Board of Nursing Rules

Ohio Administrative Code (OAC)4723-4-03

■ A **licensed practical nurse** shall demonstrate competence and accountability includes, but is not limited to, the following:

- Consistent performance of all aspects of nursing care; and
- Recognition, referral or consultation, and intervention, when a complication arises.

Ohio Administrative Code (OAC)4723-4-08

- Contribute to the nursing process

Ohio Board of Nursing Rules

Ohio Administrative Code (OAC)4723-4-05

- Certified nurse-midwife, certified nurse practitioner, certified registered nurse anesthetist, or clinical nurse specialist
 - Function within the scope of practice of nursing for a registered nurse
 - Defines required education, specialty scope of practice, and who evaluates their performance

Scope of Practice

- All levels of nursing
 - Competence and accountability
 - Perform CPR
 - Take other actions to intervene
 - Until patient's functions improve, stability occurs, order received to stop CPR or other emergency actions are continued by other qualified providers

Scope of Practice

- What you cannot do
 - Determine if a patient has expired
 - Exceptions: registered nurse through a licensed hospice care program or certified nurse practitioner or clinical nurse specialist
 - Withhold CPR

DETERMINATION OF DEATH



OBN LAW: Determination of Death

4723.36 Determination of death by certified nurse practitioner or clinical nurse specialist.

- A **certified nurse practitioner or clinical nurse specialist** may determine and pronounce an individual's death, but only
 - if the individual's respiratory and circulatory functions are not being artificially sustained
 - and, at the time the determination and pronouncement of death is made, either or both if the following apply:

OBN LAW: Determination of Death

- The individual was receiving care in one of the following:
 - ▣ nursing home licensed or by a political subdivision
 - ▣ residential care facility or home for the aging licensed
 - ▣ county home or district home
 - ▣ residential facility licensed
- The **certified nurse practitioner or clinical nurse specialist** is providing or supervising the individual's care through
 - ▣ a licensed hospice care program
 - ▣ or any other entity that provides palliative care

OBN LAW: Determination of Death

- If a **certified nurse practitioner, clinical nurse specialist, or registered nurse** determines and pronounces an individual's death, the nurse complies with the following:
 - can not complete any portion of the death certificate.
 - notifies the individual's attending physician of the determination and pronouncement of death
 - provides the notification within a period of time that is reasonable but not later than twenty-four hours after the individual's death.

Scope of Practice

- Certified nurse practitioner
- Clinical nurse specialist
- Certified Mid-wife
- Nurse Anesthetist
- Registered nurse
- Licensed practical nurse

Test Your Knowledge

Review Key Points

Match the function to the nurse

1. CNP
2. CNS
3. RN
4. LPN

- a. Can not make a determination of death
- b. Can make a determination of death
- c. Responsible for competence and accountability
- d. Can perform CPR

DO NOT RESUSCITATE

Do Not Resuscitate

- Specific to Ohio
 - ▣ ODH
 - ▣ Other associations i.e. OBN
 - ▣ Standards
 - ▣ Form
 - ▣ Laws and rules

DNR Orders

- Enforced by Ohio Department of Health (ODH)
 - Standard, state wide
 - 2 types: Comfort care and Comfort Care-arrest
 - Patient may revoke a DNR any time
 - Death from the withholding or withdrawal of CPR for the person pursuant to the DNR protocol does not constitute for any purpose a suicide, aggravated murder, murder, or any other homicide.

Ohio Department of Health

- Standards
- Laws and Rules
- Information on DNR protocol and identification
- Guides, resource
- Other information
 - Courtesy Jewelry Resource List
 - Wallet size identification card
 - Hospital type bracelet insert

Ohio Department of Health

- Do not
 - Advise or answer questions on medical issues
 - Provide legal advice
 - Direction or discipline to clinicians
 - Provide common question and answer sheet

Common Questions from Patients?

- **How do I obtain a DNR?** An individual may obtain a DNRCC by consulting with their physician, certified nurse practitioner, certified nurse specialist, or physician assistant regarding end-of-life issues.
- **Where is the DNR honored?** The DNRCC allows this specific DNR order to be used in multiple settings and practice areas including, but not limited to, nursing facilities, residential care facilities, hospitals, outpatient areas, homes and public places.
- **Do I have to sign my DNR order?** No. A DNR order must be written and signed by a physician, certified nurse practitioner, certified nurse specialist, or physician assistant in consultation with the patient.
- **Can anyone override my DNR order?** No. The patient has the right to make their own decisions about their health care. If one is not able to express their wishes, others such as a legal guardian, a person named as their health care power of attorney, or a family member can speak for them. Person should make sure these people know their desires about CPR and that they have a DNR order.

Common Questions from Patients?

- What if I change my mind?
- If I am not able to decide, who will decide?

Common Questions from Patients?

- How does someone know I am a DNR?
- What circumstances can family or a friend decide a DNR order should be written?

Confirming DNR

A DNR Comfort Care or DNR Comfort Care – Arrest patient's status is confirmed when the patient has one of the following:

1. A DNR Comfort Care card/form completed.
2. A completed State of Ohio living will (declaration) form
 - patient does not want CPR (in the case of a patient who has been determined by two doctors to be in a terminal or permanently unconscious state).

Confirming DNR

3. DNR Comfort Care necklace or bracelet
4. A DNR order signed by the patient's physician or, when authorized by,
 - a certified nurse practitioner (CNP),
 - clinical nurse specialist (CNS),
 - or physician assistant (PA).
5. A verbal DNR order by the patient's attending physician, CNP, CNS, or PA.

Confirming DNR

EMS workers are not required to search a person for DNR identification.

- If an EMS or other health care worker discovers one of these items in the possession of a patient, the worker must make a reasonable effort to verify the identity of DNR patient
- Examples to verify identity :
 - The patient or a family member, caregiver, or friend gives the patient's name,
 - The health care worker knows the patient personally.
 - Institution identification band.
 - Drivers license, passport, or other picture ID.

Confirming DNR

EMS workers are not required to search a person to see if they have DNR identification.

- If you cannot verify the identity of the patient with DNR identification after reasonable efforts, still follow this protocol.
 - Verification of identity is not required for patients or residents of health care facilities when a DNR order is present on the person's chart.
 - EMS personnel who receive a verbal DNR order from a doctor, CNP, CNS, or PA must verify the identity of the person issuing the order. Examples of verification are:
 - Personal knowledge of the doctor, CNP, CNS, or
 - PA, List of practitioners with other identifying information such as address.
 - A return telephone call to verify information provided.

Ohio Department of Health Rules

- **3701-62-01 Definitions:**
 - Attending physician

 - Cardiac arrest

 - CNP

 - CNS

Ohio Department of Health Rules

3701-62-01 Definitions:

□ CPR

■ Component of CPR means any of the following:

- Administration of chest compressions;
- Insertion of an artificial airway;
- Administration of resuscitation drugs;
- Defibrillation or cardioversion;
- Provision of respiratory assistance;
- Initiation of a resuscitative intravenous line; and
- Initiation of cardiac monitoring.

DNR Order

- Directive issued by physician, certified nurse practitioner, or clinical nurse specialist
 - Identifies individual
 - Specifies CPR is not administered to identified individual

Ohio Department of Health Rules

3701-62-09 Transfer of person between health care facilities: forwarding of DNR order.

- If a person being transferred from one health care facility to another, before or at the time of the transfer, the transferring health care facility
 - notifies the receiving health care facility and the person transporting the person of the existence of the DNR identification or the order.
- If a current do-not-resuscitate order was issued orally, it is reduced to writing before the time of the transfer.
 - DNR identification or the order accompany the person to the receiving health care facility and remain in effect unless it is revoked or unless, in the case of a do-not-resuscitate order, the order no longer is current.

DNR Protocol

- Definition:
 - standard method of procedure for withholding CPR by a physician, certified nurse practitioner, clinical nurse specialist, emergency service personnel, and health care facilities
- Other treatment can be provided or modified

DNR Protocol

- Types: (ODH 3701-62-05 (B))
 - DNR Comfort Care
 - immediately when a DNR order is issued or when a Living Will requesting no CPR
 - DNR Comfort Care-arrest
 - Activated when patient has cardiac or respiratory arrest

DNR Comfort Care Form

3701-62-04

APPENDIX A



DNR IDENTIFICATION FORM

(Check only one box)

- DNRCC** (If this box is checked the DNR Comfort Care Protocol is activated immediately.)
- DNRCC-Arrest** (If this box is checked, the DNR Comfort Care Protocol is implemented in the event of a cardiac arrest or a respiratory arrest.)

Patient Name:		
Address:		
City:	State:	Zip:
Birthdate:	Gender: <input type="checkbox"/> M <input type="checkbox"/> F	
Signature (optional)		

Certification of DNR Comfort Care Status (to be completed by the physician)*

(Check only one box)

- Do-Not-Resuscitate Order**—My signature below constitutes and confirms a formal order to emergency medical services and other health care personnel that the person identified above is to be treated under the State of Ohio DNR Protocol. I affirm that this order is not contrary to reasonable medical standards or, to the best of my knowledge, contrary to the wishes of the person or of another person who is lawfully authorized to make informed medical decisions on the person's behalf. I also affirm that I have documented the grounds for this order in the person's medical record.
- Living Will (Declaration) and Qualifying Condition**—The person identified above has a valid Ohio Living Will (declaration) and has been certified by two physicians in accordance with Ohio law as being terminal or in a permanent unconscious state, or both.

Printed name of physician*	
Signature:	Date:
Address:	Phone:
City/State:	Zip:

*A DNR order may be issued by a certified nurse practitioner, clinical nurse specialist, or a physician assistant when authorized by section 2733.211 of the Ohio Revised Code.

See reverse side for DNR Protocol

DNR Comfort Care Form

3701-62-04



DO NOT RESUSCITATE COMFORT CARE PROTOCOL

After the State of Ohio DNR Protocol has been activated for a specific DNR Comfort Care patient, the Protocol specifies that emergency medical services and other health care workers are to do the following:

WILL:

- Suction the airway
- Administer oxygen
- Position for comfort
- Splint or immobilize
- Control bleeding
- Provide pain medication
- Provide emotional support
- Contact other appropriate health care providers, such as hospice, home health, attending physicians, CNPs, and CNSs

WILL NOT:

- Administer chest compressions
- Insert artificial airway
- Administer resuscitative drugs
- Defibrillate or cardiovert
- Provide respiratory assistance (other than that listed above)
- Initiate resuscitative IV
- Initiate cardiac monitoring

If you have responded to an emergency situation by initiating any of the WILL NOT actions prior to confirming that the DNR Comfort Care Protocol should be activated, discontinue them when you activate the Protocol. You may continue respiratory assistance, IV medications, etc., that have been part of the patient's ongoing course of treatment for an underlying disease.

If family or bystanders request or demand resuscitation for a person for whom the DNR Comfort Care Protocol has been activated, do not proceed with resuscitation. Provide comfort measures as outlined above and try to help the family members understand the dying process and the patient's choice not to be resuscitated.

Wallet Identification



DNR
COMFORT CARE

DNR Comfort Care DNR Comfort Care Arrest

Name _____

Birthdate _____ Gender M F

Wallet Identification

Physician name_____

Physician phone_____

Other emergency phone_____

The person named on the front of this card may revoke
DNR Comfort Care status by destroying this card.

Scope of practice

- **Functions to be performed:**
 - ▣ Suction the airway
 - ▣ Administer oxygen
 - ▣ Position for comfort
 - ▣ Splint or immobilize
 - ▣ Control bleeding
 - ▣ Provide pain medication
 - ▣ Provide emotional support
 - ▣ Contact other appropriate health care providers, such as hospice, home health, attending physicians, CNPs, and CNSs

Scope of Practice

- **Do not perform:**
 - ▣ Administer chest compressions
 - ▣ Insert artificial air way
 - ▣ Administer resuscitative drugs
 - ▣ Defibrillate or cardiovert
 - ▣ Provide respiratory assistance (other than that listed above)
 - ▣ Initiate resuscitative IV
 - ▣ Initiate cardiac monitoring

Nurses's Scope of Practice

- Nurse
 - Maintain competency and accountability
 - Know and understand ODH laws and rules impacting patients
 - Implement a patient's valid DNR order
 - Implement timely
 - Unless
 1. believe orders inaccurate
 2. not authorized,
 3. not current or valid
 4. harmful to patient
 5. contraindicated by other documents

Nurses's Scope of Practice

- Nurse
 - OBN laws
 - 4723.36 Determination of death by certified nurse practitioner or clinical nurse specialist.
 - 4723.151 Unlicensed practice.
 - OBN rules
 - 4723-4-03 Standards relating to competent practice as a registered nurse.
 - 4723-4-07 Standards for applying the nursing process as a registered nurse.
 - 4723-4-08 Standards for applying the nursing process as a licensed practical nurse.

Nurses's Scope of Practice

- Nurse
 - ODH Law
 - 2133.03 When declaration operative.
 - 2133.25 Standardized method of procedure for the withholding of CPR by physicians, emergency medical services personnel, and health care facilities.
 - ODH Rules
 - 3701-62-01 Definitions.
 - 3701-62-02 Authority of certified nurse practitioners, clinical nurse specialists, and physician assistants.
 - 3701-62-05 Do-not-resuscitate protocol.

Laws in Neighboring States

- Licenses in other states
 - Know the laws and rules for each
 - Recognize and identify the forms i.e. DNR
 - Understand company policies and procedures

Your Takeaways:

- Know the laws and rules under Ohio Board of Nursing.
- Understand the laws and rules from the Ohio Department of Health as it pertains to DNR Comfort Care.
- Recognize your organizations policies and procedures
- Seek your manager and resources if you have concerns, questions, or need clarification

Your Resources

- <http://www.nursing.ohio.gov/>
- <http://codes.ohio.gov/orc/4723>
- <http://codes.ohio.gov/oac/4723-4-03>
- <http://www.odh.ohio.gov/odhprograms/dspc/dnr/dnr1.aspx>

Bibliography

- *Standards relating to competent practice as a registered nurse.*, <http://codes.ohio.gov/oac/4723-4-03>
- *Rules and Regulations*,
<http://www.odh.ohio.gov/rules/odhrules.aspx>
- *Frequently Asked Questions*,
<http://www.odh.ohio.gov/~media/ODH/ASSETS/Files/dspc/health%20care%20service/dnrfaq.pdf>