

## Missouri End-of-Life Coalition Issue Brief

### Outside Hospital Do Not Resuscitate Order - “MO-OHDNR”

As a competent adult, you have the right to decide to accept or refuse any medical treatment. In many cases, people who are terminally ill choose to live out the remainder of their lives at a place they call home (outside of the hospital). When a person dies, a family member often calls an ambulance service, and emergency personnel are required by current law to attempt resuscitation. HB X/SB Y allows individuals to avoid unnecessary resuscitation attempts.

Currently, 42 states in the U.S. have enacted legislation that honors the legal right of a patient to refuse resuscitation efforts outside of the hospital setting when ordered in advance by the patient’s physician and agreed to by the patient (or patient’s legal representative). Unfortunately, Missouri is not one of them. Consequently, the health care that many patients receive is dictated by the setting in which services take place rather than the decisions of patients and their health care provider.

**What is a do not resuscitate order?** A do not resuscitate (DNR) order carries out an advance directive and requires a physician order. Likewise, outside the hospital setting, a DNR is an order signed by the physician and patient (or patient’s legal representative) not to have cardiopulmonary resuscitation (CPR) if your heart stops or if you stop breathing.

#### **HB X/SB Y will:**

- Allow a patient who wants to die a natural death to obtain a physician’s order to withhold CPR outside of the hospital setting, provided they meet one of the following conditions: 1) patient is terminally ill; 2) patient has a chronic illness that has progressed to the degree that death is a likely outcome; or 3) patient is frail and elderly.
- Allow for the decision to be revoked at any time by the patient or patient’s legally appointed representative.
- Require a written physician's order signed by the patient (or patient’s legally appointed representative) and attending physician.
- Require a form approved by the DHSS that will authorize qualified emergency medical services personnel to withhold CPR from a particular patient in the event of cardiac or respiratory arrest.
- Require the DHSS to designate a standardized type of identification for patients with a MO-OHDNR order, such as an identification card, bracelet or necklace of a single color, form, and design.
- Provide legal protection for health care providers by explicitly stating that they are not subject to civil or criminal liability for good faith compliance with or reliance upon MO-OHDNR orders.

**HB X/SB Y will NOT:**

- Authorize the withholding or withdrawing of other medical interventions, such as intravenous (IV) fluids, oxygen or other indicated therapies short of CPR.
- Authorize the withholding or withdrawing of therapies deemed necessary to provide comfort care or alleviate pain.
- Authorize or approve “mercy killing.”
- Threaten any right that patients have to make decisions about their medical care, provided the decisions are legal in the State of Missouri.
- Subject emergency medical services personnel who follow a MO-OHDNR to civil or criminal liability.

**Action Needed:**

The membership of the Missouri End-of-Life Coalition urges lawmakers to confirm the right of Missouri citizens to make their own health care decisions and allow physician orders to carry them out, supporting medical providers who work to ensure that those decisions are honored by passing this important piece of legislation.