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NEW DO NOT RESUSCITATE CONFIRMATION FORMS IN EFFECT

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On February 1, 2008, a new Do Not Resuscitate Confirmation Form ("DNRC Form") came into effect for paramedics and firefighters. For Ontarians who do not wish to receive life-saving measures if they suffer cardiorespiratory or respiratory arrest during first-response situations and/or transfer by ambulance, this Form is instrumental for ensuring their wishes can be honoured.

In addition to the direct implications for patients, paramedics and firefighters, this Form is also important for health care providers, health care facilities and private patient transportation services.

This *Communiqué* provides an overview of the DNRC Form and its application, as well as considerations for health care facilities and providers.

Background

A patient's right to determine his or her own care must be honoured by health care providers, in accordance with Ontario's *Health Care Consent Act, 1996* (HCCA). This includes the right to refuse life-saving measures. The HCCA, however, does not apply to either paramedics or firefighters, who are not regulated health professionals.

Prior to the implementation of the DNRC Form, paramedics and firefighters responding to a call were required to administer cardio-pulmonary resuscitation ("CPR") where needed to sustain life, except in very limited circumstances. This meant that in many situations, individuals who suffered respiratory or cardiorespiratory arrest while under the care of a paramedic or firefighter - including terminally ill patients who had made a decision not to accept resuscitative measures - would receive CPR, notwithstanding any documentation in place indicating that such measures were not wanted.

The Do Not Resuscitate Confirmation Form

The new DNRC Form is an important mechanism for patients whose plan of treatment does not include resuscitation, as it:

- Enables paramedics and firefighters to honour the do not resuscitate (DNR) wishes of patients, by providing explicit direction on patient care interventions that may or may not be initiated for the patient;
- Helps to ensure that patients whose plan of treatment does not include CPR can access emergency services, without fear that their wishes may be compromised;

- Assures the provision of necessary palliative interventions, notwithstanding the patient's decision not to receive CPR; and
- Is a durable document once completed (i.e. it can be used as many times as necessary), and can be photocopied.

The Form does not permit paramedics or firefighters to stop or withdraw life-sustaining treatment a patient has been receiving as part of his or her ongoing care. For example, if the patient is on ventilator-assisted breathing as part of ongoing treatment, it cannot be withdrawn pursuant to a DNRC Form.

A DNRC Form is applicable to paramedics and firefighters in all circumstances where they provide care, including: first-response situations, during non-urgent transportation of a patient by ambulance between facilities, and during transfer of a patient from a health care facility to home.

Where a valid DNRC Form exists, it must be honoured by paramedics under the updated Basic Life Support Patient Care Standards, and by firefighters under their standard operating procedures. In fact, as of February 1, 2008, the new DNRC Form is the only mechanism upon which paramedics and firefighters may rely. It replaces the DNR/Validity Order Form (which had been in use by paramedics since 1999). A DNR Order, living will or a DNR Form from another province or country cannot be used by a paramedic or firefighter as the basis for not initiating CPR. In other words, absent a DNRC Form, a paramedic or firefighter must provide resuscitation.

Although the DNRC Form was developed primarily to respond to the specific needs of people dying as a result of incurable, progressive disease, it may also be used by individuals who are "healthy" but do not want resuscitation in the event of cardiorespiratory or respiratory arrest.

Implications for Health Professionals and Health Care Facilities

Health professionals and health care facilities will be instrumental to the successful implementation of the DNRC Form, as they will be responsible for:

- Advising patients, their substitute decision-makers and families about the Form;
- Completing DNRC Forms on behalf of patients;
- Ensuring paramedics transporting patients from the facility are aware of and have a copy of any DNRC Form; and
- Receiving patients who have a valid DNRC Form.

Although only paramedics and firefighters are bound by the DNRC Form, health care facilities (including hospitals and long-term care homes) and private transportation services may also use the DNRC Form for their own purposes. For example, while not required to do so, a health care facility may decide to accept a DNRC Form (in whole or in part) as confirmation of a patient's wishes, and to rely upon the Form for care decisions. The Ontario Ministry of Health and Long-Term Care advises that anyone other than a paramedic or firefighter who relies upon the Form does so at their own risk.

Given the importance of DNRC Forms for patients, health care facilities should ensure staff are familiar with the Form and its implications. It is also important for health care facilities to establish a clear policy regarding whether a DNRC Form will be honoured within the facility. This will enable the facility to take a consistent approach to caring for patients with a DNRC Form and best ensure that patients' needs will be met.

Conclusion

Increasingly, Ontarians with terminal illnesses are choosing to die at home. However, gaps in consent legislation applicable to DNR decisions and a patchwork of solutions have meant that the patient's decision could not always be honoured - particularly by first-response teams. The DNRC Form helps ensure that patients can access the assistance of paramedics and firefighters, without fear of compromising their DNR wishes.

Physicians, nurses, other regulated health professionals and facilities who care for patients at the end of life play an instrumental role in patient awareness of and access to DNRC Forms, as well as in ensuring their appropriate use. As a result, it is critical for providers and facilities to ensure they understand the Form, its application, and how it may be used. It is also important for health care facilities to have policies and procedures in place for dealing with patients who arrive at the facility with a DNRC Form.

For more information about the new Do Not Resuscitate Confirmation Form for paramedics and firefighters, please contact Miller Thomson's Health Industry Practice Group.

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