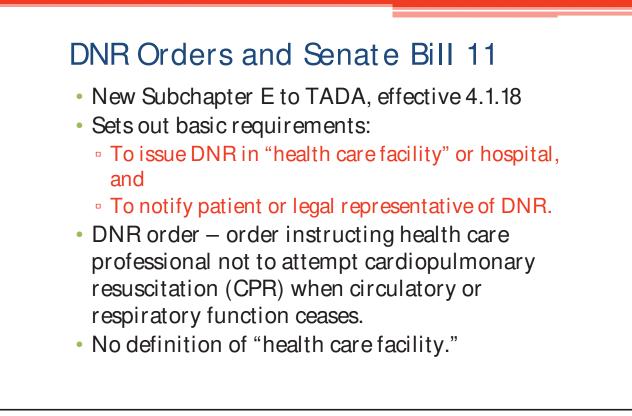
20th Annual Health Law Conference April 5-6, 2018, Houston, Texas Operational Hot Button Issues

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DNR Orders and Senate Bill 11



Two ways to issue valid DNR Order $-\underline{First}$ (or Sec. 166.203(a)(1) option)

- Pursuant to:
 - Written and dated instructions of competent patient, or
 - Oral directions of competent patient in presence of two witnesses, or
 - Directions in advance directive valid in another jurisdiction or under TADA;

OR

Two ways to issue valid DNR Order – <u>Second</u> (Sec. 166.203(a)(2) option)

- DNR Order is not contrary to directions of patient who was competent at the time patient conveyed directions and, in reasonable medical judgment of attending physician:
 - Death is imminent, regardless of provision of CPR, AND
 - DNR Order is medically appropriate.

Notice Requirements for DNR issued under Sec. 166.203(a)(2)

- Before placing order in medical record, physician (or PA, nurse, or person on behalf of health care facility/hospital) must:
 - Inform patient of DNR order, OR
 - If patient incompetent, make reasonably diligent effort to contact (or cause to be contacted) and inform of order: legal guardian/MPOA agent/ a family member under TADA Sec. 166.039(b)(1).

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First appeared as part of the conference materials for the 30th Annual Health Law Conference session "Operational Hot Button Issues"