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Operational Hot Button Issues

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DNR Orders and Senate Bill 11

DNR Orders and Senate Bill 11

- New Subchapter E to TADA, effective 4.1.18
- Sets out basic requirements:
 - To issue DNR in “health care facility” or hospital, and
 - To notify patient or legal representative of DNR.
- DNR order – order instructing health care professional not to attempt cardiopulmonary resuscitation (CPR) when circulatory or respiratory function ceases.
- No definition of “health care facility.”

Two ways to issue valid DNR Order – 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 – Second (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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