

## Chapter DHS 125

### DO-NOT-RESUSCITATE ORDERS DIRECTED AT EMERGENCY HEALTH CARE PERSONNEL

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**Note:** Chapter HFS 125 was created as an emergency rule effective January 18, 1997. Chapter HFS 125 was renumbered chapter DHS 125 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637.

**DHS 125.01 Authority and purpose.** This chapter is promulgated under the authority of ss. 154.19 (3) (a) and 154.27, Stats., to establish requirements for the size, color and design of a do-not-resuscitate bracelet worn by a qualified patient for whom a do-not-resuscitate order has been written by the attending physician under s. 154.19 (1), Stats., at the patient's request, and which is to be followed by emergency health care personnel in the event of the patient suffering cardiac or pulmonary arrest, and to establish procedures for emergency health care personnel to follow in honoring a do-not-resuscitate order.

**History:** Cr. Register, July, 1997, No. 499, eff. 8-1-97.

**DHS 125.02 Applicability.** This section applies to any person providing health care as an emergency medical services practitioner or an emergency medical responder, or within an emergency health care facility.

**History:** Cr. Register, July, 1997, No. 499, eff. 8-1-97; CR 20-067: am. Register December 2021 No. 792, eff. 1-1-22.

**DHS 125.03 Definitions.** In this section:

(1) "Ambulance run report form" means the form that the ambulance service provider under s. DHS 110.34 (7) and (8) requires emergency medical technicians to complete at the end of each ambulance run.

**Note:** An ambulance run report is also known as a patient care report.

(2) "Department" means the Wisconsin department of health services.

(3) "Do-not-resuscitate bracelet" means a standardized identification bracelet of uniform size, color and design approved by the department, that bears the inscription "Do Not Resuscitate" which signifies that the wearer is a qualified patient, as defined in s. 154.17 (4), Stats., who has requested and obtained a do-not-resuscitate order and has not revoked the request for the order.

(4) "Do-not resuscitate order" means a written order issued by a physician under the requirements of subch. III of ch. 154, Stats., that directs emergency health care personnel not to attempt cardiopulmonary resuscitation on a person for whom the order is issued if that person suffers cardiac or respiratory arrest.

(5) "Emergency health care facility staff" means staff of a hospital emergency room or an urgent care clinic whose duties are to render emergency medical care to sick, disabled or injured persons conveyed to the facility.

(5m) "Emergency health care personnel" means emergency medical services practitioners, emergency medical responders, and emergency health care facility staff.

(5p) "Emergency medical responder" has the meaning given in s. 256.01 (4p), Stats.

(5r) "Emergency medical services practitioner" has the meaning given in s. 256.01 (5), Stats.

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(8) "Patient" means a person who is brought for treatment to an emergency medical facility or a person to whom emergency health care personnel go to render treatment.

(9) "Qualified patient" has the meaning specified in s. 154.17 (4), Stats.

**History:** Cr. Register, July, 1997, No. 499, eff. 8-1-97; corrections in (1), (6) and (7) made under s. 13.93 (2m) (b) 7., Stats., Register July 2001, No. 547; corrections in (1), (2), (6) and (7) made under s. 13.92 (4) (b) 6. and 7., Stats., Register January 2009 No. 637; corrections in (1), (6), (7) made under s. 13.92 (4) (b) 7., Stats., Register July 2011 No. 667; CR 20-067: am. (5m), cr. (5g), (5r), r. (6), (7) Register December 2021 No. 792, eff. 1-1-22; renum. (5g) to (5p) under s. 13.92 (4) (b) 1., Stats., Register December 2021 No. 792.

**DHS 125.04 Do-not-resuscitate bracelet.** A do-not-resuscitate bracelet shall meet all of the following requirements:

(1) The bracelet shall be a clear, standard hospital-type bracelet at least 3/4 of an inch in width.

(2) The identifying information placed in the bracelet shall be printed on a bracelet insert form supplied by the department. The bracelet insert form as supplied by the department shall have on it, preprinted in blue, the words "Do Not Resuscitate" and the state seal of Wisconsin.

**Note:** Copies of the bracelet insert form may be obtained from the EMS Section, Division of Health, P.O. Box 309, Madison, WI 53701-0309.

(3) The physician who has issued the do-not-resuscitate order shall complete or direct another person to complete the bracelet information by printing on the bracelet insert form in size 8 or greater font all of the following information:

(a) On the left half of the form, the patient's name, address, date of birth and gender.

(b) On the right half of the form, the physician's name, business phone number and original signature.

**History:** Cr. Register, July, 1997, No. 499, eff. 8-1-97.

**DHS 125.05 Following do-not-resuscitate orders.**

(1) GENERAL REQUIREMENT. Emergency health care personnel shall follow a do-not-resuscitate order, as evidenced by a patient wearing a do-not-resuscitate bracelet, unless the order is invalidated by a condition under sub. (3). If there is any doubt about honoring a do-not-resuscitate bracelet, emergency medical services practitioners and emergency medical responders shall contact the medical control hospital and emergency health care facility staff shall contact the director of emergency services.

(2) PROCEDURE. Emergency health care personnel shall carry out the following procedure in the emergency care setting:

(a) Assess the patient.

(b) If the patient is pulseless and non-breathing, check the patient's wrist for a do-not-resuscitate bracelet.

(c) If no do-not-resuscitate bracelet is found on the patient's wrist, provide usual care.

(d) If a do-not-resuscitate bracelet is found on the patient's wrist, and the bracelet is not defaced, do not undertake life support measures. Provide comfort care.

**Note:** Examples of comfort care include, but are not limited to, administration of oxygen, clearing the airway, controlling bleeding, positioning for comfort, providing emotional support, providing pain medication and splinting.

**(3) CONDITIONS INVALIDATING A DO-NOT-RESUSCITATE ORDER.** Any of the following conditions, as set out in s. 154.19 (3) (b), Stats., invalidates a do-not-resuscitate order and therefore the obligation of emergency health care personnel to be bound by it and to honor the do-not-resuscitate bracelet on the patient's wrist or with the patient:

(a) The patient has revoked the do-not-resuscitate order by doing any of the following:

1. Expressing to an emergency medical services practitioner, emergency medical responder, or emergency health care facility staff member the desire to be resuscitated. When this is done, emergency health care personnel shall promptly remove the do-not-resuscitate bracelet.

2. Defacing, burning, cutting or otherwise destroying the do-not-resuscitate bracelet.

3. Removing the do-not-resuscitate bracelet or asking another person to remove it.

(b) The do-not-resuscitate bracelet appears to have been tampered with or removed.

(c) The emergency medical services practitioner, emergency medical responder, or emergency health care facility staff member knows that the patient is pregnant.

**(4) PATIENT DESIRE NOT TO BE RESUSCITATED IS CONTROLLING.** If a member of the patient's family or a friend of the patient

requests that resuscitative measures be taken, that person's request does not supersede the do-not-resuscitate order for the patient if the patient is wearing a valid do-not-resuscitate bracelet and has not revoked the order under s. 154.21, Stats.

**(5) DOCUMENTATION OF PATIENT CONTACT AND REMOVAL OF PATIENT.** (a) Even if resuscitation is not attempted, the emergency medical services practitioner, emergency medical responder or emergency health care facility staff member shall document the patient contact in the patient's medical record or the ambulance run report form, as appropriate.

(b) Local protocols shall determine the procedure for removing the patient from the emergency care setting.

**(6) VIOLATIONS.** An emergency medical services practitioner, emergency medical responder or emergency health care facility staff member who does any of the following is subject to the penalties set forth in s. 154.29 (1) or (2), Stats.:

(a) Willfully conceals, defaces or damages a patient's do-not-resuscitate bracelet without the patient's consent.

(b) With the intent to cause withholding or withdrawal of resuscitation contrary to the wishes of a patient, falsifies, forges or transfers a do-not-resuscitate bracelet to that patient or conceals the patient's revocation of a do-not-resuscitate order.

(c) Withholds personal knowledge of a patient's revocation of a do-not-resuscitate order.

**History:** Cr. Register, July, 1997, No. 499, eff. 8-1-97; CR 20-067: am. (1), (3) (a) 1., (c), (5) (a), (6) (intro.) Register December 2021 No. 792, eff. 1-1-22.