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Chapter 3701-62 | Do Not Resuscitate (DNR) Protocol

Ohio Administrative Code / 3701

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Rule

Rule 3701-62-01 | Definitions.

Effective: September 1, 2019 *Promulgated Under:* 119.03 *PDF:* Download Authenticated PDF

As used in this chapter, unless the context clearly requires otherwise:

(A) "Authorized health care provider" means a health care provider that is authorized to sign a do-not-resuscitate order form for a person and is limited to the person's:

- (1) Attending physician as defined in paragraph (C) of this rule;
- (2) Advanced practice registered nurse as defined in paragraph (B) of this rule and the action is taken by:
 - (a) A certified nurse practitioner, certified nurse midwife, or clinical nurse specialist pursuant to a standard care arrangement with a collaborating physician; or
 - (b) A certified registered nurse anesthetist under the supervision and direction of a physician.
- (3) Physician assistant as defined in paragraph (U) of this rule and the action is taken pursuant to a supervision agreement with a supervising physician pursuant to section [4730.19](#) of the Revised

Code or the policies of a health care facility in which the PA is working.

(B) "Advanced practice registered nurse" or "APRN" means a licensed registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner as provided in division (O) of section [4723.01](#) of the Revised Code.

(C) "Attending physician" means the physician to whom a person, or the family of a person, has assigned primary responsibility for the treatment or care of the person or, if the person or the person's family has not assigned that responsibility, the physician who has accepted that responsibility.

(D) "Cardiac arrest" means the loss of discernible audible and palpable pulse, with or without the loss of cardiac action/rhythm if on a cardiac monitor, or the sudden abrupt loss of heart function.

(E) "Comfort care" means any of the following:

(1) Nutrition when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death;

(2) Hydration when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death;

(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death.

(F) "CNP" means an advanced practice registered nurse who holds a current, valid license issued by the board of nursing under Chapter 4723. of the Revised Code and is designated as a certified nurse practitioner in accordance with section [4723.42](#) of the Revised Code and the rules adopted by the board of nursing.

(G) "Certified nurse-midwife" means an advanced practice registered nurse who holds a current, valid license issued by the board of nursing under Chapter 4723. of the Revised Code and is designated as a

certified nurse midwife in accordance with section [4723.42](#) of the Revised Code and the rules adopted by the board of nursing.

(H) "CNS" means an advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist in accordance with section [4723.42](#) of the Revised Code and the rules adopted by the board of nursing.

(I) "Certified registered nurse anesthetist" means an advanced practice registered nurse who holds a current, valid license issued by the board of nursing under Chapter 4723. of the Revised Code and is designated as a certified registered nurse anesthetist in accordance with section [4723.42](#) of the Revised Code and rules adopted by the board of nursing.

(J) "CPR" means cardiopulmonary resuscitation or a component of cardiopulmonary resuscitation, but it does not include clearing a person's airway for a purpose other than as a component of CPR.

"Component of CPR" means any of the following:

- (1) Administration of chest compressions;
- (2) Insertion of an artificial airway;
- (3) Administration of resuscitation drugs;
- (4) Defibrillation or cardioversion;
- (5) Provision of respiratory assistance;
- (6) Initiation of a resuscitative intravenous line; and
- (7) Initiation of cardiac monitoring.

(K) "Declarant" means any adult who has executed a living will declaration in accordance with section [2133.02](#) of the Revised Code.

(L) "Declaration" or "living will declaration" means a written document executed in accordance with

section [2133.02](#) of the Revised Code.

(M) "Do-not-resuscitate identification" or "DNR identification" means a standardized identification card, the DNR order form, necklace, or bracelet that has been approved by the department of health pursuant to section [2133.25](#) of the Revised Code and listed in rule [3701-62-04](#) of the Administrative Code, and that signifies either of the following:

- (1) That the person who is named on and possesses the card, DNR order form, necklace, or bracelet has executed a declaration that authorizes the withholding or withdrawal of CPR and that has not been revoked pursuant to section [2133.04](#) of the Revised Code; or
- (2) That the authorized health care provider of the person who is named on and possesses the card, DNR order form, necklace, or bracelet has issued a current do-not-resuscitate order, in accordance with the do-not-resuscitate protocol adopted by the department of health pursuant to section [2133.25](#) of the Revised Code, for that person and has documented the grounds for the order in that person's medical record.

(N) "Do-not-resuscitate order" or "DNR order" means a directive issued by an authorized health care provider, that identifies a person and specifies that CPR should not be administered to the person so identified. The do-not-resuscitate-order shall be implemented in accordance with the do-not-resuscitate protocol.

(O) "Do-not-resuscitate protocol" or "DNR protocol" means the standardized method of procedure for the withholding of CPR by physicians, APRNs as provided in rule [3701-62-02](#) of the Administrative Code, physician assistants as provided in rule [3701-62-02](#) of the Administrative Code, emergency medical service personnel, and health care facilities that is adopted in the rules of the department of health pursuant to section [2133.25](#) of the Revised Code. The do-not-resuscitate protocol is specified in rule [3701-62-05](#) of the Administrative Code. Treatment other than resuscitative, shall continue to be provided or modified as the individual's condition warrants, in keeping with the individual's treatment plan goals.

(P) "Emergency medical services personnel" means paid or volunteer firefighters, law enforcement officers, first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, or other emergency services personnel acting within the ordinary course of their profession.

(Q) "Health care facility" means any of the following:

- (1) A hospital as defined in section [2108.01](#), [3701.01](#), or [5122.01](#) of the Revised Code;
- (2) A hospice care program, as defined in section [3712.01](#) of the Revised Code, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;
- (3) A nursing home or residential care facility, as defined in section [3721.01](#) of the Revised Code;
- (4) A home health agency, as defined in section [3701.881](#) of the Revised Code, and any residential facility where a person is receiving care under the direction of a home health agency;
- (5) An intermediate care facility for the individuals with intellectual disabilities (ICF/IID).

(R) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a qualified patient or other patient, will serve principally to prolong the process of dying.

(S) "Permanently unconscious state" means a state of permanent unconsciousness in a declarant or other patient that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, is characterized by both of the following:

- (1) Irreversible unawareness of one's being and environment; and
- (2) Total loss of cerebral cortical functioning, resulting in the declarant or other patient having no

capacity to experience pain or suffering.

(T) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(U) "Physician assistant" or "PA" means a person who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

(V) "Principal" means a person who has executed a durable power of attorney for health care under sections [1337.11](#) to [1337.17](#) of the Revised Code.

(W) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including but not limited to the state medical board, the board of nursing, and the state board of emergency medical, fire, and transportation services.

(X) "Respiratory arrest" means absence of spontaneous respirations or the presence of agonal breathing.

(Y) "Standard care arrangement" has the same meaning as defined in division (N) of section [4723.01](#) of the Revised Code.

(Z) "Terminal condition" means an irreversible, incurable, and untreatable condition caused by disease, illness, or injury from which, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by a declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, both of the following apply:

(1) There can be no recovery; and

(2) Death is likely to occur within a relatively short time if life-sustaining treatment is not administered.

(AA) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for breach of a contract or another agreement between persons.

Supplemental Information

Authorized By: [2133.25](#)

Amplifies: [2133.21](#), [2133.211](#), [2133.22](#), [2133.23](#), [2133.24](#), [2133.26](#)

Five Year Review Date: 9/1/2024

Prior Effective Dates: 5/20/1999

Rule 3701-62-02 | Authority of certified nurse practitioners, clinical nurse specialists, and physician assistants.

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(A) A person who holds a current, valid license issued under Chapter 4723. of the Revised Code to practice as an advanced practice registered nurse may take any action that may be taken by an attending physician under sections [2133.21](#) to [2133.26](#) of the Revised Code and this chapter and has the immunity provided by section [2133.22](#) of the Revised Code and rule [3701-62-03](#) of the Administrative Code if the action is taken pursuant to a standard care arrangement with a collaborating physician or, if the APRN is a certified registered nurse anesthetist, under the supervision and direction of a physician.

(B) A person who holds a license to practice as a physician assistant pursuant to Chapter 4730. of the Revised Code may take any action that may be taken by an attending physician under sections [2133.21](#) to [2133.26](#) of the Revised Code and this chapter and has the immunity provided by section [2133.22](#) of the Revised Code and rule [3701-62-03](#) of the Administrative Code if the action is taken pursuant to a supervision agreement with a supervising physician pursuant to section [4730.19](#) of the Revised Code or the policies of a health care facility in which the PA is working.

Supplemental Information

Authorized By: [2133.25](#)

Amplifies: [2133.211](#)

Five Year Review Date: 9/1/2024

Prior Effective Dates: 5/20/1999

Rule 3701-62-03 | Immunity from criminal prosecution, civil liability, and professional disciplinary action.

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(A) Persons with DNR identification.

(1) None of the persons listed in paragraph (A)(2) of this rule are subject to any of the following arising out of or relating to the withholding or withdrawal of CPR from a person after DNR identification is discovered in the person's possession and reasonable efforts have been made to determine that the person in possession of the DNR identification is the person named on the DNR identification:

(a) Criminal prosecution;

(b) Liability in damages in a tort or other civil action for injury, death, or loss to person or property; or

(c) Professional disciplinary action.

(2) The immunity described in paragraph (A)(1) of this rule attaches to the following persons:

(a) An authorized health care provider, who causes the withholding or withdrawal of CPR from the person possessing the DNR identification;

(b) A person who participates under the direction of or with the authorization of an authorized health care provider, in the withholding or withdrawal of CPR from the person possessing the DNR identification; or

(c) Any emergency medical services personnel who cause or participate in the withholding or withdrawal of CPR from the person possessing the DNR identification.

(3) Paragraph (A) of this rule does not apply when CPR is withheld or withdrawn from a person who possesses DNR identification or for whom a do-not-resuscitate order has been issued unless the withholding or withdrawal is in accordance with the do-not-resuscitate protocol.

(B) Persons in health care facilities.

(1) None of the persons listed in paragraph (B)(2) of this rule are subject to any of the following arising out of or relating to the withholding or withdrawal of CPR from a person in a health care facility after DNR identification is discovered in the person's possession and reasonable efforts have been made to determine that the person in possession of the DNR identification is the person named on the DNR identification or a do-not-resuscitate order is issued for the person:

(a) Criminal prosecution;

(b) Liability in damages in a tort or other civil action for injury, death, or loss to person or property; or

(c) Professional disciplinary action.

(2) The immunity described in paragraph (B)(1) of this rule attaches to the following persons:

(a) The health care facility or the administrator of the health care facility;

(b) An authorized health care provider, who causes the withholding or withdrawal of CPR from the person possessing the DNR identification or for whom the do-not-resuscitate order has been issued;

(c) Any person who works for the health care facility as an employee, contractor, or volunteer and who participates under the direction of or with the authorization of, an authorized health care provider, in the withholding or withdrawal of CPR from the person possessing the DNR identification;

(d) Any person who works for the health care facility as an employee, contractor, or volunteer

and who participates under the direction of or with the authorization of an authorized health care provider, in the withholding or withdrawal of CPR from the person for whom the do-not-resuscitate order has been issued; and

(e) Any emergency medical services personnel who cause or participate in the withholding or withdrawal of CPR from the person possessing the DNR identification.

(3) Paragraph (B) of this rule does not apply when CPR is withheld or withdrawn from a person who possesses DNR identification or for whom a do-not-resuscitate order has been issued unless the withholding or withdrawal is in accordance with the do-not-resuscitate protocol.

(C) For the purposes of paragraphs (A) and (B) of this rule, information that may be used to determine if the person in possession of DNR identification is the person named on the DNR identification include but are not limited to the following:

- (1) Verification of the person's identity by the person or a family member, friend, or caregiver;
- (2) Personal knowledge of the person by the emergency medical services personnel, physician, APRN, PA, or person working for a health care facility;
- (3) Health care facility identification band;
- (4) Driver's license;
- (5) Passport; or
- (6) Other identification bearing the person's name and photograph.

(D) Request for CPR by person with DNR identification. If, after DNR identification is discovered in the possession of a person, the person makes an oral or written request to receive CPR, any person who provides CPR pursuant to the request, any health care facility in which CPR is provided, and the administrator of any health care facility in which CPR is provided are not subject to any of the

following:

- (1) Criminal prosecution as a result of the provision of the CPR;
- (2) Liability in damages in a tort or other civil action for injury, death, or loss to person or property that arises out of or is related to the provision of the CPR; or
- (3) Professional disciplinary action as a result of the provision of the CPR.

(E) Do-not-resuscitate orders.

(1) None of the persons listed in paragraph (E)(2) of this rule who comply with a do-not-resuscitate order issued by an authorized health care provider are subject to any of the following:

- (a) Liability in damages in a civil action for injury, death, or loss to person or property that arises out of or is related to compliance with the order;
- (b) Criminal prosecution as a result of compliance with the order; or
- (c) Professional disciplinary action as a result of compliance with the order.

(2) The immunity described in paragraph (E)(1) of this rule attaches to the following persons:

- (a) Any emergency medical services personnel who comply with a do-not-resuscitate order issued by an authorized health care provider; and
- (b) Any individuals who work for a health care facility as employees, contractors, or volunteers and who comply with a do-not-resuscitate order issued by an authorized health care provider.

(3) Paragraph (E) of this rule does not apply when CPR is withheld or withdrawn from a person who possesses DNR identification or for whom a do-not-resuscitate order has been issued unless the withholding or withdrawal is in accordance with the do-not-resuscitate protocol.

(F) Emergency situations.

(1) In an emergency situation, emergency medical services personnel and emergency department personnel are not required to search a person to determine if the person possesses DNR identification.

(2) If a person possesses DNR identification, if emergency medical services personnel or emergency department personnel provide CPR to the person in an emergency situation, and if, at that time, the personnel do not know and do not have reasonable cause to believe that the person possesses DNR identification, the emergency medical services personnel and emergency department personnel are not subject to any of the following:

(a) Criminal prosecution as a result of the provision of the CPR;

(b) Liability in damages in a tort or other civil action for injury, death, or loss to person or property that arises out of or is related to the provision of the CPR; or

(c) Professional disciplinary action as a result of the provision of the CPR.

(G) Nothing in sections [2133.21](#) to 2133.26 of the Revised Code, this rule, or the do-not-resuscitate protocol grants immunity to an authorized health care provider for issuing a do-not-resuscitate order that is contrary to reasonable medical standards or that the authorized health care provider knows or has reason to know is contrary to the wishes of the patient or of a person who is lawfully authorized to make informed medical decisions on the patient's behalf.

(H) Pursuant to paragraphs (B) and (C) of rule [3701-62-13](#) of the Administrative Code, neither paragraph (G) of this rule nor any other provision of this chapter requires provision of CPR to a person if, in the judgment of the authorized health care provider, CPR would be futile, or if the person or another person lawfully authorized to make decisions on behalf of the person declines CPR.

Supplemental Information

Authorized By: [2133.25](#)

Amplifies: [2133.22](#)

Five Year Review Date: 9/1/2024

Prior Effective Dates: 2/13/2014

Rule 3701-62-04 | Do-not-resuscitate identification.

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(A) The following items are approved as DNR identification:

- (1) A do-not-resuscitate order documented on the state of Ohio DNR order form depicted in appendix A to this rule. This form may be reproduced as needed;
- (2) A copy of an individual's living will declaration that includes language that authorizes the withholding or withdrawal of CPR that has not been revoked pursuant to section [2133.04](#) of the Revised Code and that the declaration has become operative in accordance with section [2133.03](#) of the Revised Code;
- (3) A transparent hospital-type bracelet with an insert containing the logo and the individual's identifying information as depicted in appendix B to this rule;
- (4) A necklace bearing both the logo depicted in appendix C to this rule and the person's name. If the person is a "DNR Comfort Care - Arrest" patient as specified in rule [3701-62-05](#) of the Administrative Code, the necklace shall also include the word "arrest";
- (5) A bracelet bearing both the logo depicted in appendix C to this rule and the person's name. If the person is a "DNR Comfort Care - Arrest" patient as specified in rule [3701-62-05](#) of the Administrative Code, the bracelet shall also include the word "arrest";
- (6) A wallet card bearing the logo and the individual's identifying information as depicted in appendix D to this rule. This card may be reproduced as needed; and
- (7) A printed form of a living will declaration sold or otherwise distributed in accordance with

section [2133.07](#) of the Revised Code, if the declarant specifies on the form that the declarant wishes to use it as DNR identification.

(B) A person is eligible to obtain DNR identification if either of the following circumstances exist:

(1) The person has executed a living will declaration that authorizes the withholding or withdrawal of CPR and that has not been revoked pursuant to section [2133.04](#) of the Revised Code, and the declaration has become operative in accordance with section [2133.03](#) of the Revised Code; or

(2) The person's authorized health care provider, has issued a current do-not-resuscitate order, in accordance with the do-not-resuscitate protocol specified in rule [3701-62-05](#) of the Administrative Code, for that person, and has documented the grounds for the order in that person's medical record. The do-not-resuscitate order itself, or copies of that order, may be used as DNR identification if it is documented on the form depicted in appendix A to this rule.

(C) A person may obtain DNR identification in the following manner:

(1) In the case of the form specified in paragraph (A)(1) of this rule, by obtaining a copy of the form from a physician, APRN, PA, or health care facility and completing the form in conjunction with the person's authorized health care provider.

(2) In the case of the wallet card specified in paragraph (A)(6) of this rule, by doing both of the following:

(a) Obtaining both the DNR order form specified in paragraph (A)(1) of this rule and the wallet card from a physician, APRN, PA, or health care facility; and

(b) Completing both the DNR order form and card in conjunction with the person's authorized health care provider.

(3) In the case of the hospital-type bracelet specified in paragraph (A)(3) of this rule, by doing both of the following:

(a) Obtaining a DNR order from the person's authorized health care provider; and

(b) Acquiring a bracelet containing a completed insert bearing the logo and identifying information from an authorized health care provider, health care facility, or pharmacy. The physician, authorized health care provider, facility, or pharmacy shall not issue a bracelet to the person unless the person presents a DNR order form.

(4) In the case of the necklace specified in paragraph (A)(4) of this rule and the bracelet specified in paragraph (A)(5) of this rule, by doing both of the following:

(a) Obtaining a DNR order from the person's authorized health care provider; and

(b) Acquiring a necklace or bracelet bearing both the logo depicted in appendix C to this rule and the person's name, from a person or government entity that manufactures or distributes it. The order for the necklace or bracelet shall be accompanied by a copy of the DNR order form.

(5) In the case of a living will declaration form specified in paragraph (A)(7) of this rule, by obtaining and completing the form in the manner required by sections [2133.01](#) to 2133.15 of the Revised Code and specifying on the form that the declarant wishes to use it as DNR identification. If the declarant wishes to be a "DNR Comfort Care - Arrest" patient, as specified in rule [3701-62-05](#) of the Administrative Code, the declarant shall include a statement in the living will declaration that in the event of a cardiac arrest or a respiratory arrest, the declarant is not to receive CPR.

(D) A do-not-resuscitate order documented on the DNR order form depicted in appendix A to this rule shall not be altered or modified in any way, including not being written upon to provide instructions or directions for the individual's care. Any medical orders, instructions, or information, other than those required elements of the form itself, that are written on an authorized do-not-resuscitate order form are not transportable and are not provided protections or immunities under this chapter.

[View Appendix](#)

Supplemental Information

Authorized By: [2133.25](#)

Amplifies: [2133.21](#), [2133.23](#), [2133.24](#), [2133.26](#)

Five Year Review Date: 9/1/2024

Prior Effective Dates: 2/13/2014

Rule 3701-62-05 | Do-not-resuscitate protocol.

***Effective:** September 1, 2019 **Promulgated Under:** 119.03 **PDF:** [Download Authenticated PDF](#)*

(A) The appendix to this rule shall constitute the do-not-resuscitate protocol for the state of Ohio.

(B) Under the protocol, a person can be a "DNR Comfort Care" patient or a "DNR Comfort Care - Arrest" patient. The DNR protocol is activated:

(1) For a "DNR Comfort Care" patient when:

(a) A DNR order is issued; or

(b) A living will declaration that includes a directive that the declarant not receive CPR becomes operative under section [2133.03](#) of the Revised Code.

(2) For a "DNR Comfort Care - Arrest" patient, when the patient experiences cardiac or respiratory arrest as defined in paragraphs (D) and (X) of rule [3701-62-01](#) of the Administrative Code.

(C) A "DNR Comfort Care" or "DNR Comfort Care - Arrest" patient is identified by:

(1) The appropriate identification on the patient's DNR order form;

(2) DNR identification, as specified in rule [3701-62-04](#) of the Administrative Code; or

(3) If the patient does not have DNR identification, documentation in the patient's medical record by an authorized health care provider, that in the event of a cardiac arrest or a respiratory arrest,

the patient is not to receive CPR, or that the individual wants comfort care only. This documentation is only acceptable within the confines of the health care facility in which the medical record is maintained. If the individual is discharged or transferred to another health care facility and the patient or patient's representative elects to continue the DNR status, a state of Ohio DNR order form must be completed for the patient in accordance with rule [3701-62-09](#) of the Administrative Code.

Supplemental Information

Authorized By: 2133.25

Amplifies: 2133.21, 2133.23

Five Year Review Date: 9/1/2024

Prior Effective Dates: 5/20/1999

Rule 3701-62-06 | Revocation of DNR identification or DNR order.

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(A) A person with DNR identification or a DNR order may revoke his or her DNR status by an oral or written request to receive CPR.

(B) A person with DNR identification may revoke his or her DNR identification by doing any of the following:

- (1) In the case of a form or wallet card listed in paragraph (A)(1), or (A)(6) of rule [3701-62-04](#) of the Administrative Code, by destroying the DNR order form or wallet card;
- (2) In the case of a bracelet or necklace as listed in paragraphs (A)(3), (A)(4), or (A)(5) of rule [3701-62-04](#) of the Administrative Code, by permanently removing the bracelet or necklace; or
- (3) In the case of a living will declaration or printed form of a living will declaration listed in paragraph (A)(7) of rule [3701-64-04](#) of the Administrative Code that includes a specification that the declarant wishes to use it as DNR identification, by revoking the declaration in accordance

with section [2133.04](#) of the Revised Code.

(C) The authorized health care provider of a person with a DNR order may revoke the DNR order by issuing an order discontinuing the DNR order. If DNR identification was issued on the basis of the DNR order, any revocation of the DNR identification shall be accomplished under paragraph (B) of this rule.

(D) If an authorized health care provider issues an order discontinuing a valid DNR order in accordance with paragraph (B) or (C) of this rule, the authorized health care provider shall ask the patient of the health care facility prior to discharge or transfer whether he or she wishes to make another DNR declaration in accordance with section [2133.02](#) of the Revised Code.

Supplemental Information

Authorized By: [2133.25](#)

Amplifies: [2133.21](#), [2133.23](#)

Five Year Review Date: 9/1/2024

Prior Effective Dates: 5/20/1999, 2/13/2014

Rule 3701-62-07 | Emergency medical services personnel; compliance with DNR protocol.

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(A) If emergency medical services personnel, other than physicians, are presented with DNR identification possessed by a person, or are presented with a written do-not-resuscitate order for a person, or if an authorized health care provider directly issues an oral do-not-resuscitate order for a person to emergency medical services personnel other than physicians, the emergency medical services personnel shall comply with the do-not-resuscitate protocol for the person.

(B) If an oral do-not-resuscitate order is issued by an authorized health care provider, who is not present at the scene, the emergency medical services personnel shall verify the authorized health care provider's identity. Methods of verification include but are not limited to the following:

- (1) Personal knowledge of the authorized health care provider by emergency medical services personnel;
- (2) A list of authorized health care providers with other identifying information such as addresses;
or
- (3) A return telephone call to verify information provided.

(C) In an emergency situation, emergency medical services personnel and emergency department personnel are not required to search a person to determine if the person possesses DNR identification.

Supplemental Information

Authorized By: [2133.25](#)

Amplifies: [2133.23](#)

Five Year Review Date: 9/1/2024

Prior Effective Dates: 2/13/2014

Rule 3701-62-08 | Attending physician, PA, CNP, or CNS as provided in rule 3701-62-02 of the Administrative Code, or health care facility unwilling or unable to comply with DNR protocol.

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If a person possesses DNR identification and if the person's attending physician, APRN, PA, or the health care facility in which the person is located is unwilling or unable to comply with the do-not-resuscitate protocol for the person, the attending physician, APRN, PA, or the health care facility shall not prevent or attempt to prevent, or unreasonably delay or attempt to delay, the transfer of the person to a different physician, APRN, or PA who will follow the protocol or to a different health care facility in which the protocol will be followed.

Supplemental Information

Authorized By: [2133.25](#)

Amplifies: [2133.23](#)

Five Year Review Date: 9/1/2024

Prior Effective Dates: 2/13/2014

Rule 3701-62-09 | Transfer of person between health care facilities: forwarding of DNR order.

Effective: September 1, 2019 *Promulgated Under:* 119.03 *PDF:* [Download Authenticated PDF](#)

(A) If a person who possesses DNR identification or for whom a current do-not-resuscitate order issued by an authorized health care provider has been issued is being transferred from one health care facility to another, before or at the time of the transfer, the transferring health care facility shall:

- (1) Notify the receiving health care facility of the existence of the DNR identification or the current do-not-resuscitate order issued by an authorized health care provider; and
- (2) Notify the persons transporting the person, including, emergency medical services, private ambulance services, or other patient transport services, of the existence of the DNR identification or the current do-not-resuscitate order issued by an authorized health care provider.

(B) If a current do-not-resuscitate order was issued orally, it shall be reduced to writing through the completion of a state of Ohio DNR order form before the time of the transfer.

(C) Health care facilities that provide treatment, services, or care to a person with a DNR shall ensure that one of the following accompany the person to the receiving facility:

- (1) An original or paper copy of the person's written state of Ohio DNR order form signed by an authorized health care provider; or
- (2) DNR identification authorized in rule [3701-62-04](#) of the Administrative Code as follows:
 - (a) A bracelet or necklace bearing the logo as depicted in appendix C to rule [3701-62-04](#) of the Administrative Code and the person's name. The bracelet or necklace shall also include the

word "arrest" if the person is a DNR comfort care-arrest;

(b) A transparent hospital-type bracelet with an insert containing the logo and identifying information as depicted in appendix B to rule [3701-63-04](#) of the Administrative Code;

(c) A wallet card bearing the logo and identifying information as depicted in appendix D to rule [3701-62-04](#) of the Administrative Code; or

(d) A copy of the person's living will declaration that includes language that authorizes the withholding or withdrawal of CPR that has not been revoked pursuant to section [2133.04](#) of the Revised Code and that the declaration has become operative in accordance with section [2133.03](#) of the Revised Code.

(D) A person's DNR identification shall remain in effect until it is revoked in accordance with rule [3701-62-06](#) of the Administrative Code.

Supplemental Information

Authorized By: [2133.25](#)

Amplifies: [2133.23](#)

Five Year Review Date: 9/1/2024

Rule 3701-62-10 | Relationship of DNR orders and identification with living will declarations and durable powers of attorney for health care.

Effective: September 1, 2019 *Promulgated Under:* 119.03 *PDF:* [Download Authenticated PDF](#)

(A) To the extent that a known conflict exists between a valid durable power of attorney for health care and a valid living will declaration that is known to be operative in accordance with section [2133.03](#) of the Revised Code, the living will declaration supersedes the authority of the durable power of attorney for health care and the agent or agents named therein.

(B) Absent substantial change in the principal's medical condition as assessed by the principal's authorized health care provider, DNR identification based upon a valid DNR order to which the

principal consented supersedes the authority of a durable power of attorney for health care and the agent or agents named therein.

(C) The authority of a durable power of attorney for health care and the agent or agents named therein supersedes DNR identification that is based upon a DNR order to which the agent or agents named in the durable power of attorney for health care previously consented or to which an individual or individuals consented to in accordance with section [2133.08](#) of the Revised Code.

(D) To the extent that a known conflict exists between DNR identification based upon a previously executed living will declaration and a more recent valid living will declaration that is operative in accordance with section [2133.03](#) of the Revised Code, the most recent living will declaration supersedes the previous DNR identification and living will declaration.

(E) To the extent that a known conflict exists between DNR identification based upon a valid DNR order to which the principal consented and a valid living will declaration, the more recent document supersedes.

Supplemental Information

Authorized By: [2133.25](#)

Amplifies: [2133.03](#), [1337.12](#)

Five Year Review Date: 9/1/2024

Prior Effective Dates: 2/13/2014

Rule 3701-62-11 | Compliance with DNR protocol not homicide or suicide.

Effective: May 20, 1999 **Promulgated Under:** Ch 119. **PDF:** [Download Authenticated PDF](#)

(A) The death of a person resulting from the withholding or withdrawal of CPR for the person pursuant to the do-not-resuscitate protocol and in the circumstances described in section [2133.22](#) of the Revised Code and rule [3701-62-03](#) of the Administrative Code or in accordance with division (A) of section [2133.23](#) of the Revised Code and rule [3701-62-06](#) of the Administrative Code does not

constitute for any purpose a suicide, aggravated murder, murder, or any other homicide.

(B) Nothing in sections [2133.21](#) to [2133.26](#) of the Revised Code or this chapter condones, authorizes, or approves of mercy killing, assisted suicide, or euthanasia.

Supplemental Information

Authorized By: –

Amplifies: –

Five Year Review Date:

Rule 3701-62-12 | Effect of DNR identification or order on insurance.

Effective: September 1, 2019 Promulgated Under: 119.03 PDF: Download Authenticated PDF

(A) If a person possesses DNR identification or if a current do-not-resuscitate order has been issued for a person, the possession or order shall not do either of the following:

- (1) Affect in any manner the sale, procurement, issuance, or renewal of a policy of life insurance or annuity, notwithstanding any term of a policy or annuity to the contrary;
- (2) Be deemed to modify in any manner or invalidate the terms of any policy of life insurance or annuity that is in effect on or after July 9, 1998.

(B) Notwithstanding any term of a policy of life insurance or annuity to the contrary, the withholding or withdrawal of CPR from a person who is insured or covered under the policy or annuity and who possesses DNR identification or for whom a current do-not-resuscitate order has been issued, in accordance with sections [2133.21](#) to [2133.26](#) of the Revised Code and this chapter, shall not impair or invalidate any policy of life insurance or annuity.

(C) Notwithstanding any term of a policy or plan to the contrary, neither of the following shall impair or invalidate any policy of health insurance or other health care benefit plan:

- (1) The withholding or withdrawal, in accordance with sections [2133.21](#) to [2133.26](#) of the Revised

Code and this chapter, of CPR from a person who is insured or covered under the policy or plan and who possesses DNR identification or for whom a current do-not-resuscitate order has been issued;

(2) The provision, in accordance with sections [2133.21](#) to [2133.26](#) of the Revised Code and this chapter, of CPR to a person of the nature described in paragraph (C)(1) of this rule.

(D) No physician, APRN, PA, health care facility, other health care provider, person authorized to engage in the business of insurance in this state under Title XXXIX of the Revised Code, health insuring corporation, other health care benefit plan, legal entity that is self-insured and provides benefits to its employees or members, or other person shall require an individual to possess DNR identification, or shall require an individual to revoke or refrain from possessing DNR identification, as a condition of being insured or of receiving health care benefits or services.

Supplemental Information

Authorized By: [2133.25](#)

Amplifies: [2133.24](#)

Five Year Review Date: 9/1/2024

Prior Effective Dates: 2/13/2014

Rule 3701-62-13 | Individual rights not abrogated.

Effective: September 1, 2019 *Promulgated Under:* 119.03 *PDF:* [Download Authenticated PDF](#)

(A) Sections [2133.21](#) to [2133.26](#) of the Revised Code and this chapter do not create any presumption concerning the intent of an individual who does not possess DNR identification with respect to the use, withholding, or withdrawal of CPR.

(B) Sections [2133.21](#) to [2133.26](#) of the Revised Code and this chapter do not affect the right of a person to make informed decisions regarding the use, withholding, or withdrawal of CPR for the person as long as the person is able to make those decisions.

(C) Sections [2133.21](#) to [2133.26](#) of the Revised Code and this chapter are in addition to and independent of, and do not limit, impair, or supersede, any right or responsibility that a person has to effect the withholding or withdrawal of life-sustaining treatment to another pursuant to sections [2133.01](#) to [2133.15](#) of the Revised Code or in any other lawful manner.

(D) Pursuant to division (A)(1) of section [2133.02](#) of the Revised Code, a person's living will declaration may include a specific authorization for the use or continuation or the withholding or withdrawal of CPR, but the failure to include a specific authorization for the withholding or withdrawal of CPR does not preclude the withholding or withdrawal of CPR in accordance with sections [2133.01](#) to [2133.15](#) (pertaining to living will declarations) or sections [2133.21](#) to [2133.26](#) of the Revised Code (pertaining to DNR orders and identification).

Supplemental Information

Authorized By: [2133.25](#)

Amplifies: [2133.24](#)

Five Year Review Date: 9/1/2024

Prior Effective Dates: 5/20/1999

Rule 3701-62-14 | Prohibitions.

***Effective:** September 1, 2019 **Promulgated Under:** 119.03 **PDF:** [Download Authenticated PDF](#)*

(A) No physician, APRN or PA shall purposely prevent or attempt to prevent, or delay or unreasonably attempt to delay, the transfer of a patient in violation of division (B) of section [2133.23](#) of the Revised Code and rule [3701-62-08](#) of the Administrative Code.

(B) No person shall purposely conceal, cancel, deface, or obliterate the DNR identification of another person without the consent of the other person.

(C) No person shall purposely falsify or forge a revocation of a declaration that is the basis of the DNR identification of another person or purposely falsify or forge an order of an authorized health care provider that purports to supersede a do-not-resuscitate order issued for another person.

(D) No person shall purposely falsify or forge the DNR identification of another person with the intent to cause the use, withholding, or withdrawal of CPR for the other person.

(E) No person who has personal knowledge that another person has revoked a declaration that is the basis of the other person's DNR identification or personal knowledge that an authorized health care provider has issued an order that supersedes a do-not-resuscitate order that the authorized health care provider issued for another person shall purposely conceal or withhold that personal knowledge with the intent to cause the use, withholding, or withdrawal of CPR for the other person.

(F) No person shall purposely conceal, cancel, deface, or obliterate a valid DNR order of another person without the consent of the other person.

(G) Pursuant to section [2133.26](#) of the Revised Code, whoever violates paragraph (A) or (E) of this rule is guilty of a misdemeanor of the third degree. Whoever violates paragraph (B), (C), or (D) of this rule is guilty of a misdemeanor of the first degree.

Supplemental Information

Authorized By: [2133.25](#)

Amplifies: [2133.24](#)

Five Year Review Date: 9/1/2024

Prior Effective Dates: 2/13/2014

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