

Nevada POLST: FAQ for Providers



What is POLST?

The Physician Orders for Life-Sustaining Treatment (POLST) is a form that translates the wishes of seriously ill or frail patients regarding life-sustaining treatment to medical orders and travels with the patient regardless of setting. A physician extender may interview the patient, but the attending physician should review the document with the patient then sign and date the POLST for legal validity.

What is the legal status of the POLST?

In 2013, the Nevada legislature unanimously passed AB344 establishing the Nevada POLST (NRS 449.691 - 449.697).

A patient's POLST is to be honored by any health care provider in any health care setting, including, without limitation; a residence, health care facility or the scene of a medical emergency.

Where do I get POLST forms?

POLST forms will be available to order after March 15, 2014, at www.nevadapolst.org. For patient use, the POLST form should be printed on bright pink paper to be consistent with the Nevada POLST program and to ensure easy recognition across health care setting. For education and training purposes, please visit www.nevadapolst.org/nevada-polst-form/ to review a sample form and printing instructions.

Can I be disciplined or subject to legal action for using POLST?

The health care provider cannot be disciplined or subject to legal action if:

- Emergency care or life-sustaining treatment is withheld in compliance with the POLST form and the medical orders reflected on it, nor if;
- The provider, in good faith, is unaware of the existence of the POLST, or has reason to believe the POLST has been revoked, nor if;
- The patient, patient's agent, parent, or legal guardian makes an oral or written request to override the POLST.

Furthermore, an entity that employs a provider of health care is not subject to disciplinary or legal action for the acts or omissions of the employee who honors the POLST.

Additionally, Nevada law states that a provider of health

care shall comply with a valid POLST regardless of whether the health care provider who signed the POLST is an employee of the facility.

If a patient is being transported or arrives at a facility with their POLST, the orders on the POLST are to be honored, even if the physician who signed it does not have authority during transport or privileges at the receiving facility. Death that results from compliance with a valid POLST does not constitute suicide or homicide. There is no provision in the POLST that condones, authorizes, or approves of mercy killing, euthanasia, or assisted suicide.

How is the POLST form used?

In a health care facility, the form should be the first document in the clinical record. It should be recognized as a set of medical orders, to be implemented as any other medical order. In a non-institutionalized setting (such as a home), the form should be kept in a prominent location, such as on the refrigerator or next to the patients bed. It will be recognized by emergency personnel as orders to be followed. Preferably, the POLST will be printed on bright pink paper to assist with the ability to quickly identify the document.

What constitutes a valid POLST?

A POLST form is valid with the signature of a physician *and*:

- A patient 18 years of age or older and of sound mind; or
- The agent of an incompetent patient who is 18 years or older; or
- The parent or legal guardian of the patient who is less the 18 years; and

The physician shall sign and date the bottom of the front page (Section C); and, the above-counseled person (patient, agent, guardian, or parent) shall sign and date in Section F.

For whom shall a POLST be completed?

A POLST should be completed:

- For any patient who has a life expectancy of 5 years or less; or
- If a patient has a terminal illness; or
- At the patient's or their agent's request

In any of these instances, the physician shall explain:

- The existence and availability of the POLST form;

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- The procedures offered by and features of the POLST form; and
- The differences between a POLST form and the other advance directives. Upon the request of the patient, the physician shall complete the POLST.

A POLST should be reviewed when:

- The patient is transferred from one care setting or level to another, or;
- There is a substantial change in patient health status, or;
- The patient treatment preferences change.

Transfer to a facility does not necessarily require a new POLST be completed. Nevada law states that a provider of health care shall comply with a valid POLST whether or not the health care provider who signed the POLST is an employee of the receiving facility.

What if the POLST form needs revision?

If, after medical evaluation, the physician recommends new orders, before completing a new POLST and modifying the medical orders, the physician shall consult with the patient, their agent, parent, or guardian.

When a POLST needs to be revised due to wear and tear, a change of orders, or other information, "VOID" should be written in large print diagonally across both sides of the old POLST then placed in the patient's record. A new POLST should be completed with the patient then signed and dated by the treating physician and the patient or their representative.

What happens if a patient is transferred or transported by EMS?

The POLST form remains with the patient if transferred by private vehicle or transported by EMS regardless of whether to a hospital, home, or a long-term care facility.

EMS should ask for the POLST when responding to a call. The POLST replaces the out-of-hospital DNR identification. Therefore, EMS shall honor medical orders indicated in Section A (CPR) and Section B (Interventions).

Does a POLST form replace an Advance Directive (AD)?

The POLST form supplements an AD but is not intended to replace a living will, health care declaration, or durable power of attorney (DPOA) for health care. These documents provide general guidance for life-sustaining

treatments and allow for the appointment of a legal health care agent to speak for the patient if they are unable and are recommended for all adults, regardless of their health status. The POLST form is for patients with a life-limiting illness and translates treatment wishes to medical orders.

What if the POLST conflicts with a patient's other ADs or medical orders?

The most recent POLST or AD is the valid document; however, any other AD or medical order that does not conflict will remain valid. If a patient has a state issued DNR identification, a provider of health care shall *not* provide life-resuscitating treatment if the DNR identification is with the patient when the need for life-resuscitating treatment arises. The state issued DNR ID trumps all other documents regardless of date.

What if I am unwilling or unable to comply with a valid POLST form?

You shall take all reasonable measures to transfer the patient to a physician or facility able to honor the POLST.

What if a patient has a POLST from a state other than Nevada?

A POLST executed in another state is valid in Nevada, but a new POLST should be completed, informed by the out-of-state POLST if the patient is unable to express their treatment wishes or their agent is unavailable.

What if a section is blank?

The POLST form is still valid, unless it lacks a physician's signature and date (Section C). If a POLST is signed and dated by a physician, but sections are blank, then those sections are presumed to indicate full treatment as long as it does not conflict with a completed section. Any completed section should be honored.

In all instances, a health care provider has a responsibility, regardless of a patient's status or their medical orders, to provide treatment for the patient's comfort or to



Designed by and in memory of Marcia Warner