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Joint* Advisory on signature authorities for
Kansas Do Not Resuscitate (DNR) Orders and DNR Directives
Frequently Asked Questions (FAQ)
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WHAT IS THE DIFFERENCE BETWEEN A DNR ORDER AND A DNR DIRECTIVE?

A **DNR Order** is an order written by a physician when someone is terminally ill, extremely frail or suffers from a medical condition in which cardio-pulmonary resuscitation could worsen the state or harm the patient. Physicians may write an ORDER to be placed in the patient's medical chart or retained by the patient advising against the use of CPR. These orders are referred to as Do Not Resuscitate Orders.

A **DNR Directive** is a signed statement made solely by the declarant (patient). It is referred to as a DIRECTIVE because it is directed by the individual (declarant) and affirmed by the physician.

WHO CAN SIGN A DNR DIRECTIVE?

Only a patient (referred to as "declarant" in Kansas law) possessing decisional capacity may sign a Directive. Currently no statutory authority for anyone other than a declarant exists to make a DNR Directive.

WHAT SHOULD BE DONE IF A DNR DIRECTIVE SIGNED BY SOMEONE OTHER THAN THE DECLARANT EXISTS IN A RESIDENCE OR PATIENT'S RECORD?

If the patient has capacity, a new directive should be signed by the declarant and replace the existing document. Persons responsible for the care of the incapacitated patient or resident should seek a DNR ORDER from a physician to replace the existing directive. Upon receipt of the Order, it should substituted for the existing Directive.

HOW DOES SOMEONE OBTAIN A PHYSICIAN'S DNR ORDER ON BEHALF OF ANOTHER?

Appointed agents, guardians, family members and responsible caregiver(s) should communicate with the physician (in collaboration with the healthcare team) to obtain a written DNR order. If the patient has a court-appointed guardian, Kansas law also requires court approval.

Agreement should be reached among the family and care providers about current medical condition, diagnosis, prognosis, the patient's prior expressed wishes, treatment alternatives and goals of care. The physician's signature on the DNR order confirms the family's concurrence.

Do DNR Orders and Directives expire or need to be renewed? Can they transfer to any setting?

Neither a DNR Order nor DNR Directive expires or needs to be renewed. The patient/declarant however, may revoke either the Order or Directive at any time.

Physician DNR Orders may transfer to any setting. Although DNR directives are designed to be used outside a medical setting, the directive should be used in all settings to communicate a patient's wishes.

Where can I find the specific statutes governing this issue?

The Kansas statutes may be retrieved online at: www.kslegislature.org/statutes. Specific KSA citations are **Do not resuscitate orders or directives, definitions** (65-4941); **form** (65-4942); and **requirements** (65-4943).

*This Advisory is jointly issued by Kansas Health Ethics, Inc. (Wichita), Center for Practical Bioethics (Kansas City) and the Kansas LIFE Project (Wichita). This Advisory is informational only and does not constitute legal advice. Please consult with your attorney at law for legal advice. For more information on the advisory, call (316) 684-1991.