

National Center for Ethics in Health Care

Tuesday, May 6, 2003

Clarification of VA Do Not Resuscitate (DNR) Policy—Orders Written by Residents

- 1) In recent weeks, there has been a national debate regarding the following language in Paragraph 4 of VHA Handbook 1004.3, *Do Not Resuscitate (DNR) Protocols within the Department of Veterans Affairs*: "After it has been determined that a DNR order is appropriate ... the order must be written or, at a minimum, countersigned by the attending physician, rather than merely by a house office[r] or resident."
- 2) Historically, the Ethics Center has interpreted this language in accordance with our understanding of the policymakers' original intent. That interpretation—which has been consistent since 1987 when the policy was written—has been that DNR orders are not valid until they are signed by an attending physician. However, with the advent of CPRS, the meaning of "countersignature" has changed, so that the language in the policy is no longer clear.
- 3) After considering multiple comments from the field, the Ethics Center has concluded that it is reasonable and ethically justifiable to permit residents to enter DNR orders when the attending is not readily available, provided that the resident first:
 - obtains consent from the patient or the patient's authorized surrogate,*
 - discusses the order with the attending responsible for the patient's care,
 - obtains the attending physician's concurrence, *and*
 - documents the conversation with the attending in the patient's medical record.

In addition, the attending physician must countersign the progress note documenting the conversation *and* rewrite the DNR order at the earliest opportunity (in all cases within 24 hours).

Of course, all other requirements specified in the policy must also be met.

- 4) The Deputy Under Secretary for Operations and Management has recently announced that local DNR protocols that permit residents to write DNR orders under the circumstances described above may remain in effect pending a comprehensive revision of the national policy on DNR. (Protocols that only permit attending physicians to write DNR orders are also permissible.)
- 5) If you have questions or comments, please contact us at vhaethics@hq.med.va.gov.

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* If a patient who lacks decision-making capacity has an advance directive clearly indicating that the patient did not want to be resuscitated in case of cardiopulmonary arrest, a DNR order may be entered provided other conditions in the DNR policy are met.