

R432. Health and Human Services, Health Facility Licensing.

R432-31. Provider Order for Life-Sustaining Treatment.

R432-31-1. Authority and Purpose.

- (1) This rule is authorized by Sections 26B-2-202 and 75-2a-106.
- (2) This rule establishes the forms and systems for Provider Order for Life-Sustaining Treatment (POLST).

R432-31-2. Definitions.

- (1) The definitions found in Sections 26B-2-201 and 75-2a-106 apply to this rule.
- (2) "Qualified Provider" is a provider outlined in Subsection 75-2a-106(2).

R432-31-3. POLST Forms.

- (1) Except as outlined in Section R432-2-10, an individual who desires to execute a POLST shall use a form or electronic format approved by the department. The form may not be altered in layout or style, including font style and size, without the express written permission of the department.
- (2) Any person, health care provider, or health care facility licensee, may obtain a form from the department and, if made available by the department, from a website established for that purpose.
- (3) A health care provider, licensed health care facility licensee, or Emergency Medical Services (EMS) provider shall act upon a copy of a POLST as if it were the original.

R432-31-4. Facility Policies and Procedures.

- (1) A health care facility licensee shall establish and implement policies and procedures that conform to Section 75-2a-106.
- (2) A health care facility licensee shall ensure policies and procedures address the licensee responsibility to:
 - (a) determine upon admission whether each individual has a POLST;
 - (b) the outline that they are not required to offer each individual the opportunity to complete a POLST;
 - (c) identify individuals who may be offered the opportunity to complete a POLST, that may include individuals who:
 - (i) have a serious illness and are likely to face a life-threatening health crisis;
 - (ii) have specific preferences for end-of-life treatments; or
 - (iii) have declining cognitive abilities and lack a surrogate or guardian to make decisions for them;
 - (d) identify circumstances under which an individual with a POLST is offered the opportunity to change the order;
 - (e) maintain the POLST in the individual's medical record;
 - (f) identify circumstances under which the facility would not follow a POLST;
 - (g) only permit a qualified provider to assist with the completion of a POLST;
 - (h) ensure a POLST is signed personally by the physician or APRN, or only by a physician assistant of the person to whom the POLST relates if done so in accordance with Subsection 75-2a-106(11); and
 - (i) make a referral to the primary care provider to create, replace, or change a POLST, if the licensee's services do not include the supervision of a physician, physician assistant, or advanced practice registered nurse.

R432-31-5. Training.

Each licensee shall appropriately train relevant health care, quality improvement and record keeping staff on the requirements of Section 75-2a-106, this rule and the facility's policies and procedures established in accordance with this rule.

R432-31-6. Transferability of POLST.

- (1) A POLST is fully transferable between any licensed health care facilities.
- (2) The health care providers assuming the individual's care at the receiving licensed health care facility shall read the POLST.
- (3) The receiving provider shall have policies and procedures to address any circumstances under which the provider will not follow the instructions contained in the POLST.
- (4) A licensee that discharges a resident, shall provide a copy of the individual's POLST to the individual. If the individual lacks the capacity to make health care decisions, as defined in Section 75-2a-104, the licensee shall also provide a copy to the individual's surrogate or guardian.
- (5) A licensee that transfers an individual with a POLST to another licensed health care facility shall provide a copy of the POLST to the receiving facility.
- (6) A licensee shall allow an individual to complete, amend or revoke a POLST at any time upon request.

R432-31-7. Presentation of POLST to EMS Personnel.

- (1) Except for home health agencies, personal care agencies and home-based hospice agencies, a licensee in possession of a POLST shall present the individual's POLST to EMS personnel upon arrival to treat or transport the individual.
- (2) For an individual who resides at home, if the home health agency, personal care agency or home-based hospice personnel are present when EMS personnel arrive at the home, the personnel shall present the individual's POLST to the EMS personnel.

R432-31-8. Home Placement of POLST.

(1) If an individual under the care of a home health agency, personal care agency or a hospice agency possesses a POLST, the agency shall ensure that a copy of the POLST is left at the individual's place of residence.

(2) For an individual adult who resides at home, including an emancipated minor, the licensee shall ensure that a copy of the POLST is posted on the front of the refrigerator or over the individual's bed.

(3) For a minor who resides at home, it is recommended that a copy of the POLST be placed in a container and placed on the top shelf of the door inside the refrigerator.

R432-31-9. POLST Bracelets and Necklaces.

(1) An individual with a POLST may obtain an approved POLST bracelet or necklace from a vendor approved by the department.

(2) An approved POLST bracelet or necklace identifies the individual to EMS or other health care providers as possessing a POLST.

R432-31-10. Prior Orders and Out of State Orders.

(1) EMS and other health care providers may recognize as valid any prior or out of state POLST forms or medical orders for life-sustaining treatment, including the national POLST form. This also includes bracelets and necklaces, unless superseded by a subsequent POLST.

(2) Physicians shall complete and sign a new POLST for individuals with prior forms who no longer have capacity to complete new orders, and who do not have a surrogate or guardian to authorize the new order. The physician shall state on the new order that the individual's preferences from the prior order are still applicable.

(3) A form that an individual executed while in another state may be honored as if it were executed in compliance with this rule and Section 75-2a-106 if it:

(a) is substantially similar to a POLST or a medical order for life-sustaining treatment; and

(b) was executed according to the laws of that state.

R432-31-11. Signature Requirement.

(1) The patient or surrogate or guardian decision maker and a medical provider, including an MD, DO, PA, or APRN shall sign the POLST for it to be valid.

(2) For pediatric patients, two different medical providers shall sign the POLST to make it effective.

(3) Electronic signatures are acceptable for POLST forms.

(4) In the event the surrogate or guardian decision maker cannot sign in-person or electronically, a verbal signature may be noted if confirmed by two medical professionals caring for the patient.

(5) Photocopies and faxes of signed POLST forms are legal and valid.

KEY: POLST, do not resuscitate, Life with Dignity Order

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Authorizing, and Implemented or Interpreted Law: 26B-2-202; 75-2a-106