

3701-62-01

Definitions.

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 pursuant to a standard care arrangement with a collaborating physician; or

(3) Physician assistant as defined in paragraph (U) of this rule and the action is taken pursuant to a physician supervisory plan approved pursuant to section 4730.17 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 certified 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.

~~(A)~~(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.

~~(B)~~(D) "Cardiac arrest" means the loss of ~~discernable~~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.

~~(C)~~(F) "CNP" means a person who holds a certificate of authority to practice as a certified nurse practitioner issued under section 4723.42 of the Revised Code.

(G) "Certified nurse-midwife" means a registered nurse who has met the requirements of section 4723.41 of the Revised Code, and who holds a current valid certificate of authority issued by the board of nursing under section 4723.42 of the Revised Code.

~~(D)~~(H) "CNS" means a person who holds a certificate of authority to practice as a clinical nurse specialist issued under section 4723.42 of the Revised Code.

(I) "Certified registered nurse anesthetist" means a registered nurse who has met the requirements of section 4723.41 of the Revised Code, and who holds a current valid certificate of authority issued by the board of nursing under section 4723.42 of the Revised Code.

~~(E)~~(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.

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

~~(G)~~(L) "Declaration" or "living will declaration" means a written document executed in accordance with section 2133.02 of the Revised Code.

~~(H)~~(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, 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 ~~attending physician, or CNP or CNS~~ authorized health care provider as provided in rule 3701-62-02 of the Administrative Code, 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.

~~DNR identification that has been approved by the department of health is listed in rule 3701-62-04 of the Administrative Code.~~

~~(H)~~(N) "Do-not-resuscitate order" or "DNR order" means a directive issued by ~~a physician, or by a CNP or CNS as provided in rule 3701-62-02 of the Administrative Code~~ 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.

~~(H)~~(O) "Do-not-resuscitate protocol" or "DNR protocol" means the standardized method of procedure for the withholding of CPR by physicians, ~~CNPs or CNSs as 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.

~~(K)~~(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.

~~(H)~~(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).

~~(M)~~(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.

~~(N)~~(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.

~~(O)~~(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.

~~(P)~~(U) "~~Physician's~~Physician assistant" or "PA" means a person who holds a certificate of authority to practice as a ~~physician's~~physician assistant issued under Chapter 4730. of the Revised Code.

~~(Q)~~(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.

~~(R)~~(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.

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

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

~~(U)~~(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.

~~(V)~~(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.

Effective:

Five Year Review (FYR) Dates: 1/14/2019

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 2133.25
Rule Amplifies: 2133.24, 2133.26, 2133.21, 2133.211, 2133.22,
2133.23
Prior Effective Dates: 05/20/1999, 06/11/2009, 02/13/2014