Dear AFH Provider,

The purpose of this Alert is to ensure Physician Orders for Life-Sustaining Treatment (POLST) are being properly used to honor individual treatment wishes and to provide information about POLST, Advance Directives, and adult foster home compliance requirements.

**POLST Reminders:**

- Adult foster home providers *may not require* residents to have a POLST Form.

- **POLST Forms are *always* voluntary.**
  - POLST Forms should *never* be mandatory or a pre-condition to admission for any nursing or long term care facility.
  - Residents should *never* be given blank POLST Forms to complete.

- **Not everyone needs a POLST.** POLST Forms are intended for, and should be offered to, individuals who have a serious advanced illness or frailty for whom their health care professional would not be surprised if the patient died within the year.
  - Adult foster homes may have policies mandating that residents be *offered* the opportunity to have a POLST Form.

- **POLST is the result of a conversation.** A POLST Form should never be completed without the patient and/or surrogate first having a conversation with his/her health care professional (physician, nurse practitioner or physician assistant).
  - Completion of a POLST Form requires an attestation by the health care professional that a conversation occurred with the patient or his/her surrogate.
  - POLST Forms should not be included in admission packets- but brochures about POLST may be included.
Only health care professionals complete and sign a POLST Form. POLST forms should be completed after having a conversation with the patient (or his/her representative) about the patient’s diagnosis, prognosis, and treatment options and listening to the patient’s goals of care and wishes about treatment.

POLST orders remain in the Oregon POLST Registry until changed or voided.
- The signer of a POLST Form is required to submit a copy of the form to the Registry unless the patient explicitly opts out of the Registry.
- Original POLST Form remains with patient.

POLST Forms are portable medical orders. POLST Forms provide patients a portable medical order that will allow Emergency Medical Services (EMS) to honor their treatment wishes. POLST Forms remain in effect after discharge unless voided.
- The Oregon POLST Task Force recommends facilities develop a discharge process that includes:
  - Reviewing the POLST Form to determine if it still accurately reflects the patient's goals of care given his/her current medical condition.
  - Facility confirms patient understands that the POLST is in effect for lifetime until changed or voided (it is not just a facility order set).
  - Original POLST Form should go with the patient at time of discharge or transfer. A copy should be sent to patient’s PCP.

Regulatory Summary for APD Adult Foster Homes:

Oregon Revised Statutes and Oregon Administrative Rule (see specific references at the end of this Alert)
- During the screening and assessment period prior to a resident's admission, disclose any policies that may limit the prospective resident's activities or preferences, including but not limited to, a written statement about the licensed provider's inability to implement an Advance Directive on the basis of conscience.

- Prior to admission, the licensee must obtain and place in the resident's record a copy of the resident's Advance Directive, POLST Form, and other legal documents as applicable.

- In the event of an emergency, a resident's POLST Form, and copies of other legal documents such as an Advance Directive or Do Not Resuscitate (DNR) order must be made available to the emergency responders.

- The Residents' Bill of Rights states each resident has the right to:
  - Be informed of all resident rights and all house policies;
  - Be encouraged and assisted to exercise constitutional and legal rights;
  - Be informed of their medical condition and the right to consent to or refuse treatment;
• Receive appropriate care and services and prompt medical care as needed; and
• Be free of discrimination in regard to the execution of an Advance Directive, POLST or DNR orders.

**POLST v. Advance Directives:**
- A POLST Form does not replace an Advance Directive.
  - They are similar- both are voluntary; document medical treatment information; can be changed and updated; and should be periodically reviewed.
  - Key differences:

<table>
<thead>
<tr>
<th>POLST</th>
<th>Advance Directive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is a Medical Order</td>
<td>Is a Legal Document</td>
</tr>
<tr>
<td>Immediately takes effect. EMS can follow orders.</td>
<td>Needs interpretation and discussion with resident’s health care professional to be effective. EMS <em>cannot</em> follow (because not medical orders).</td>
</tr>
<tr>
<td>Communicates medical treatments specific to resident’s current state of health. Resident has specific diagnosis &amp; prognosis when discussing goals of care and treatment decisions.</td>
<td>Communicates general wishes about medical treatments in future states of health.</td>
</tr>
<tr>
<td>Does not appoint a health care representative</td>
<td>Appoints a health care representative</td>
</tr>
<tr>
<td>Easy to locate (as medical order, a copy is kept in the patient’s medical record). May also be recorded in the POLST Registry.</td>
<td>May not be available when needed (individuals must ensure a current copy is in their medical record and/or given to family to provide at the time it is needed).</td>
</tr>
<tr>
<td>Only to be used for those with serious advanced illness or frailty – at any age.</td>
<td>All competent adults over 18 should have.</td>
</tr>
<tr>
<td>Signed by health care professional (physician, NP or PA in Oregon).</td>
<td>Document is signed by the resident, his/her health care surrogate or representative and witnesses.</td>
</tr>
</tbody>
</table>

**Additional Information about POLST:**
- [www.or.polst.org](http://www.or.polst.org)
- [Facing Serious Illness (guidance for patients/families on POLST)](http://www.or.polst.org)
- [Guidebook for Health Care Professionals](http://www.or.polst.org)
- [POLST Use for Persons with Disabilities](http://www.or.polst.org)
- [POLST in Action in Oregon (video)](http://www.or.polst.org)
- [Understanding POLST (video)](http://www.or.polst.org)
- [Press Release for 2014 Oregon POLST Form](http://www.or.polst.org)

**Relevant Guidance:**
- [ORS 127.663, et seq](http://www.oregonlegislature.gov/bills_laws/ors/ors127.php) Physician Order for Life-Sustaining Treatment Registry

Please contact your local AFH Licensor if you have any questions.