

## Adult Foster Home Provider Alert

Policy updates, rule clarifications and announcements

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**Date:** December 30, 2014

**Topic:** POLST (Physician Orders for Life-Sustaining Treatment)

**Provider:**  APD (Older Adults and Adults with Physical Disabilities)  
 DD (Developmental Disabilities)

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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:

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

**Additional Information about POLST:**

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

**Relevant Guidance:**

[ORS 127.505](#), et seq Advance Directive

[ORS 127.663](#), et seq Physician Order for Life-Sustaining Treatment Registry

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

