

Rights to Decide About Treatment



Adults in New York State have the right to accept or refuse medical treatment, including life-sustaining treatment. Our Constitution and state laws protect this right. This means that you have the right to request or consent to treatment, to refuse treatment before it has started, and to have treatment stopped once it has begun.

Sometimes, because of illness or injury, people are unable to talk to a doctor and decide about treatment for themselves. You may wish to plan in advance to make sure that your wishes about treatment will be followed if you become unable to decide for yourself for a short- or long-term time period. If you don't plan ahead, family members or other people close to you may not be allowed to make decisions for you and to follow your wishes.

In New York State, appointing someone you can trust to decide about treatment if you become unable to decide for yourself is the best way to protect your treatment wishes and concerns. You may have the right to appoint someone by filling out a form called a [Health Care Proxy](#).

If you have no one you can appoint to decide for you, or if you do not want to appoint someone, you can also give specific instructions about treatment in advance. Those instructions can be written, and are often referred to as a Living Will.

You should understand that general instructions about refusing treatment, even if written down, may not be effective. Your instructions must clearly cover the treatment decisions that must be made. For example, if you just write down that you do not want heroic measures, the instructions may not be specific enough. You should say the kind of treatment that you do not want, such as a respirator or chemotherapy, and describe the medical condition when you would refuse the treatment, such as when you are terminally ill or permanently unconscious with no hope of recovering.

You can also give instructions orally by discussing your treatment wishes with your doctor, family members or others close to you. Putting things in writing is better than simply speaking to people, but neither method is as effective as appointing someone to decide for you. It is often hard for people to know in advance what will happen to them or what their medical needs will be in the future. If you choose someone to make decisions for you, that person can talk to your doctor and make decisions that they believe you would have wanted or that are best for you, when needed. If you appoint someone and also leave instructions about treatment in a Living Will, in the space provided on the Health Care Proxy form itself, or in some other manner, the person you select can use these instructions as guidance to make the right decision for you.

Deciding about Cardiopulmonary Resuscitation

Your right to decide about treatment also includes the right to decide about cardiopulmonary resuscitation (CPR). CPR is emergency treatment to restart the heart and lungs when your breathing or circulation stops.

Sometimes doctors and patients decide in advance that CPR should not be provided, and the doctor gives the medical staff a Do Not Resuscitate (DNR) order. If your physical or mental condition prevents you from deciding about CPR, someone you appoint, your family members, or others close to you can decide. A brochure on CPR and your rights under New York law is available from your health care provider.

Should you have further questions regarding Advance Directives, ask your physician or nurse, or contact a St. Peter's Patient Relations Representative at [518-525-1192](tel:518-525-1192).

Do Not Resuscitate Orders—A Guide for Patients and Families

At St. Peter's Hospital, we believe that:

- each person's life is of great value because that person is made in the image and likeness of God;
- circumstances permit a person, in conscience, to request that cardiopulmonary resuscitation not be initiated;
- safeguarding the rights and needs of each person choosing to request a DNR order is integral to our commitment to human dignity. You, your physician and your family or others close to you are the principal decision makers for your health care.

We encourage you to discuss the questions you have about the New York State Department of Health "Do Not Resuscitate Orders" guide with them or with others caring for you.

What Is a Do-Not-Resuscitate Order?

A Do-Not-Resuscitate (DNR) order in the patient's medical chart instructs the medical staff not to try to revive the patient if breathing or heartbeat has stopped. This means physicians, nurses and others will not initiate such emergency mouth-to-mouth resuscitation, external chest compression, electric shock, insertion of a tube to open the patient's airway, injection of medication into the heart or open-chest heart massage.

If the patient is in a nursing home, a DNR order instructs the staff not to perform emergency resuscitation and not to transfer the patient to a hospital for such procedures.

Can I Request a DNR Order?

Yes. Under New York law, all adult patients can request a DNR order. If you are sick and incapable of deciding about resuscitation, a family member or others close to you can decide on your behalf.

What Are the Advantages and Disadvantages of CPR?

Cardiopulmonary resuscitation (CPR), when successful, restores heartbeat and breathing and enables a patient to resume his or her previous life style. In other cases, CPR may fail to restore

basic life functions or only partially succeed, leaving the patient brain-damaged or otherwise impaired. The success of CPR depends on the patient's overall medical condition and level of functioning before hospitalization.

Age alone is not a predictor of success; although illnesses and frailties associated with advanced age often result in less successful outcomes.

Is My Right to Request or Receive Other Treatment Affected by a DNR Order?

No. A DNR order is only a decision about CPR and does not relate to other treatment.

Are DNR Orders Ethically Acceptable?

It is widely recognized by health care professionals, clergy, lawyers and others that DNR orders are medically and ethically appropriate under certain circumstances. For some patients, CPR offers more burdens than benefits and may be contrary to the patient's wishes.

Is My Consent Required for a DNR Order?

Yes, your physician must obtain your consent before entering a DNR order in your record if you are mentally capable of deciding, unless a discussion about CPR and your condition would cause severe harm. In an emergency, it is assumed that all patients would consent to CPR unless a DNR order is in the record.

How Can I Select Someone to Decide for Me?

If you are a patient in a hospital or nursing home, you can appoint a person orally, with two witnesses present. You can also appoint someone during or in advance of hospitalization by stating your wishes in writing and signing that statement with any two adults present. The adults must also sign your written statement.

How Can I Make My Wishes about DNR Known?

An adult patient in a hospital or nursing home can consent to a DNR order orally, as long as two witnesses are present. One witness must be a physician. You can also make your wishes known in writing before or during hospitalization, before any two adults who must sign your statement as witnesses. A Living Will may be used to convey these wishes as long as it is properly witnessed.

You can specify that you want a DNR order only under certain circumstances (such as if you become terminally ill or permanently unconscious) or that you wish only specific CPR procedures performed, such as mouth-to-mouth breathing but not open-heart massage.

Before making a decision about CPR, you should speak with your physician about your overall health and the benefits and burdens CPR would provide for you. A full and early discussion between you and your doctor can prevent later misunderstandings.

If I Request a DNR Order, Is My Physician Bound to Honor My Wishes?

If you don't want to be resuscitated and you request a DNR order, your physician must either:

- enter the order in your chart;
- transfer responsibility for your care to another physician; or,
- refer the matter to a dispute mediation system in the hospital or nursing home. The mediation system is only authorized to mediate disputes; it cannot overrule your decision.

If mediation has not resolved the dispute within 72 hours, your physician must either enter the order or transfer you to the care of another physician.

What if Members of My Family Disagree?

They can ask for the matter to be mediated. Your physician will request mediation if he or she is aware of any disagreement among family members.

What Happens if I Do Not Have the Capacity to Decide for Myself?

You are presumed by law to be mentally capable of deciding about CPR unless two physicians, or a court, determine that you no longer have the capacity to make the decision. You will be informed of this determination if you are able to understand it, and no DNR order will be written if you object.

Can a Family Member or Close Friend Consent to a DNR Order?

A family member or close friend can consent to a DNR order only when you are unable to decide for yourself and:

- you have a terminal condition;
- you are permanently unconscious;
- CPR would be medically futile; or,
- CPR would impose an extraordinary burden on you given your medical condition and the expected outcome of resuscitation.

Anyone deciding for you must base the decision on your wishes, including your religious and moral beliefs, or if your wishes are not known, on your best interest.

What if I Lose the Capacity To Decide and Do Not Have Anyone Who Can Decide on My Behalf?

A DNR order can be entered only if two physicians conclude that CPR would be medically useless or if a court approves the DNR order. It would be best if you discussed the matter with your physician and left instructions in advance.

Who Can Consent to a DNR Order for Children?

A DNR order can be entered in the record for a patient under the age of 18 only with the consent of the patient's parent or guardian. If the minor has the capacity to decide, the minor's consent is also required for a DNR order.

What if I Change My Mind after I Consent to a DNR Order?

You or anyone who consents to a DNR order on your behalf can withdraw that consent at any time by informing your physician, nurses or others of the decision.

What Happens if I Am Transferred from a Nursing Home to a Hospital or Vice Versa?

The health facility where you are sent can continue the DNR order but is not obligated to do so. If the order is not continued, you or anyone who decided on your behalf will be informed and can request that the order be entered again.