



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

Margaret M. O'Neill Bldg., Suite 1, Room 311
410 Federal Street
Dover, Delaware 19901
302-739-3621

The Honorable John Carney
Governor

John McNeal
SCPD Director

April 26, 2017

Mr. Jamie Mack
Division of Public Health
Jesse Cooper Building
417 Federal Street
Dover, DE 19901

RE: 20 DE Reg. 770 [DPH DMOST Regulation (4/1/17)]

Dear Mr. Mack:

The State Council for Persons with Disabilities (SCPD) has reviewed the Division of Public Health's (DPH's) proposal to adopt a brief amendment to its regulations covering Delaware Medical Orders for Scope of Treatment (DMOST). The proposed regulation was published in the April 1, 2107 Register of Regulations.

Section 2.1.1 would be amended to clarify that the DMOST form's identification section must include the patient's address of record, phone number, and gender. The form (attached) already included these fields but the regulation did not require their inclusion. The proposed amendment is benign and essentially a "housekeeping" initiative.

The SCPD is endorsing the proposed regulation.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position on the proposed regulation.

Sincerely,

Jamie Wolfe

Jamie Wolfe, Chairperson
State Council for Persons with Disabilities

cc: Ms. Karyl Rattay, DHSS-DPH
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens

19reg770 dph dmost 4-24-17

DELAWARE MEDICAL ORDERS FOR SCOPE OF TREATMENT (DMOST)

- FIRST, follow the orders below. THEN contact physician or other health-care practitioner for further orders, if indicated.
- The DMOST form is voluntary and is to be used by a patient with serious illness or frailty whose health care practitioner would not be surprised if the patient died within next year.
- Any section not completed requires providing the patient with the full treatment described in that section.
- Always provide comfort measures, regardless of the level of treatment chosen.
- The Patient or the Authorized Representative has been given a plain-language explanation of the DMOST form.
- The DMOST form must accompany the patient at all times. It is valid in every health care setting in Delaware.

Print Patient's Name (last, first, middle)	Date of Birth	last four digits of SSN	Gender
Patient's Address		Phone Number	

A	Goals of Care (see reverse for instructions. This section does not constitute a medical order.)												
B	<p style="text-align: center;">Cardiopulmonary Resuscitation (CPR) <i>Patient has no pulse and/or is not breathing</i></p> <p style="text-align: center;"> <input type="checkbox"/> Attempt resuscitation/CPR <input type="checkbox"/> Do not attempt resuscitation/DNAR. </p>												
C	<p>Medical Interventions: <i>Patient is breathing and/or has a pulse.</i></p> <p><input type="checkbox"/> Full Treatment: Use all appropriate medical and surgical interventions, including intubation and mechanical ventilation in an intensive care setting, if indicated to support life. Transfer to a hospital, if necessary.</p> <p><input type="checkbox"/> Limited Treatment: Use appropriate medical treatment, such as antibiotics and IV fluids, as indicated. May use oxygen and noninvasive positive airway pressure. Generally avoid intensive care.</p> <p style="margin-left: 20px;"> <input type="checkbox"/> Transfer to hospital for medical interventions. <input type="checkbox"/> Transfer to hospital only if comfort needs cannot be met in current setting. </p> <p><input type="checkbox"/> Treatment of Symptoms Only/Comfort Measures: Use any medications, including pain medication, by any route, positioning, wound care, and other measures to keep clean, warm, dry, and comfortable. Use oxygen, suctioning, and manual treatment of airway obstruction as needed for comfort. Use antibiotics only to promote comfort. Transfer only if comfort needs cannot be met in current location.</p> <p><input type="checkbox"/> Other Orders: _____</p>												
D	<p>Artificially Administered Fluids and Nutrition: <i>Always offer food/fluids by mouth if feasible and desired.</i></p> <p> <input type="checkbox"/> Long-term artificial nutrition <input type="checkbox"/> Defined trial period of artificial nutrition: Length of trial: _____ Goal: _____ <input type="checkbox"/> No artificial nutrition <input type="checkbox"/> hydration only <input type="checkbox"/> none (check one box) </p>												
E	<p>Orders Discussed With: <input type="checkbox"/> Patient _____ ph.# _____</p> <p> <input type="checkbox"/> Guardian <input type="checkbox"/> Surrogate (per DE Surrogacy Statute) _____ Printed Name & phone number <input type="checkbox"/> Other <input type="checkbox"/> Agent under healthcare POA/or AHCD _____ <input type="checkbox"/> Parent of a minor _____ Signature </p> <p>Print Name of Authorized Representative Relation to Patient Address Phone #</p> <p>If I lose capacity, my Authorized Representative <u>may</u> change or void this DMOST _____</p> <p style="text-align: right;">_____ Patient Signature</p> <p style="text-align: center;"><u>may not</u></p>												
F	<p>SIGNATURES: Patient/Authorized Representative/Parent (mandatory) <i>I have discussed this information with my Physician / APRN / PA</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;">Signature</td> <td style="width: 25%; border-bottom: 1px solid black;">Date</td> <td style="width: 25%; border-bottom: 1px solid black;">Time</td> </tr> <tr> <td colspan="3" style="border-bottom: 1px solid black;">Print Name</td> </tr> <tr> <td colspan="3" style="border-bottom: 1px solid black;">Print Address</td> </tr> <tr> <td style="border-bottom: 1px solid black;">License Number</td> <td colspan="2" style="border-bottom: 1px solid black;">Phone #</td> </tr> </table> <p style="font-size: small; margin-top: 5px;">If authorized representative signs, the medical record must document that a physician has determined the patient's incapacity & the authorized representative's authority, in accordance with DE law.</p>	Signature	Date	Time	Print Name			Print Address			License Number	Phone #	
Signature	Date	Time											
Print Name													
Print Address													
License Number	Phone #												

DIRECTIONS FOR HEALTH-CARE PROFESSIONALS

COMPLETING A DMOST FORM

- Must be signed by a Licensed Physician, Advance Practice Registered Nurse, or Physician's Assistant.
- Use of original form is highly encouraged. Photocopies and faxes of signed DMOST forms are legal and valid.
- Any incomplete section of a DMOST form indicates the patient should get the full treatment described in that section.

REVIEWING A DMOST FORM -- It is recommended that a DMOST form be reviewed periodically, especially when:

- The patient is transferred from one care setting or care level to another,
- There is a substantial change in the patient's health status, or
- The patient's treatment preferences change.

MODIFYING AND VOIDING INFORMATION ON A COMPLETED DMOST FORM

A patient with decision-making capacity can void a DMOST form at any time in any manner that indicates an intent to void.

Any modification to the form voids the DMOST form. A new DMOST form may be completed with a health care practitioner. Forms are available online at www.delaware.gov/.

SECTION A This section outlines the specific goals that the patient is trying to achieve by this treatment plan. Health care professionals shall share information regarding prognosis with the patient in order to assist the patient in setting achievable goals. Examples may include:

- Longevity, cure, remission or better quality of life
- To live long enough to attend an important event (wedding, birthday, graduation)
- To live without pain, nausea, shortness of breath or other symptoms
- Eating, driving, gardening, enjoying time with family, or other activities

SECTION B This is a medical order. Mark a selection for the patient's preferences regarding CPR.

SECTION C This is a medical order. When limited treatment is selected, also indicate whether the patient prefers or does not prefer transfer to a hospital for additional care.

- IV medication to enhance comfort may be appropriate treatment for a patient who has indicated "symptom treatment only."
- Non-invasive positive airway pressure includes continuous positive airway pressure (CPAP) and bi-level positive airway pressure (Bi-PAP).
- The patient will always be provided with comfort measures.
- Patients who are already receiving long-term mechanical ventilation may indicate treatment limitations on the "Other Orders" line.

SECTION D This is medical order. Mark a selection for the patient's preferences regarding nutrition and hydration. Check one box.

- Oral fluids and nutrition should always be offered if feasible and consistent with the goals of care.

SECTION E This section documents with whom the medical orders were discussed, the name of any healthcare professional who assisted in the completion of the Form, the name of any authorized representative and if the authorized representative may not modify/void the Form.

SECTION F To be valid, all information in this section must be completed.

HIPAA PERMITS DISCLOSURE OF DMOST FORMS TO OTHER HEALTH CARE PROFESSIONALS AS NECESSARY FOR TREATMENT.

SEND FORM WITH PATIENT WHENEVER MOVED TO A NEW SETTING

Faxed, Copied, or Electronic Versions of the Form are legal and valid.