Physician Orders for Life-Sustaining Treatment

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April 16, 2013 was the 6th annual National Healthcare Decisions Day. This movement was started to educate providers and the general public about the pressing need for living wills or advance directives. Every one of us is going to die eventually. None of us wants to suffer unnecessarily but we might unless we make our wishes known ahead of time. Please watch this simple video now from nhhd.org at http://vimeo.com/36052824.

The Physician Orders for Life-Sustaining Treatment or POLST goes farther than advance directives. POLST is recommended when someone might die within one year and has a chronic advanced disease (Hickman, Sabatino, Moss, & Nester, 2008). The advantages to this form is that it is standardized, has specific medical orders based on discussions with the patient or health care proxy, and is portable across every treatment facility (Hickman et al., 2008). Many states across the United States have adopted various forms of POLST. This paper will focus on Florida.

The Florida State University Center for Innovative Collaboration in Medicine & Law is coordinating an alliance of concerned people to study how to implement POLST in Florida (Kapp, n.d.). This alliance has proposed three different solutions to sanction the use of POLST in the state of Florida.

The first is to recommend amending Chapter 765, which authorizes health care advance directives or Fla. Stat. 401.45, which permits withholding of resuscitation with correct forms (Kapp, n.d.). This would entail a very complicated process of a legislator agreeing to sponsor the amendment, filing it with the secretary, going through the various committee hearings and chambers, and back to the Senate or House through several more readings. Both the Senate and the House needs to pass the bill. After that entire process, the governor needs to sign it or veto it.
If vetoed, each house needs two-thirds vote to override the veto (The Florida Senate -- How an Idea Becomes a Law, n.d.). An important element of this route is to institute and maintain constant associations with legislators and their staff to promote POLST (Milstead, 2013, p. 268). This method also benefits from public support through many people writing personal letters to their representatives and to newspapers (Florida Nurses Association website, 2006). Both West Virginia and North Carolina are examples of states that have the POLST form mandated through the legislature (Cerminara & Bogin, 2008).

The second proposition is to execute POLST through modifying regulations of agencies that oversee medical professionals (Cerminara & Bogin, 2008; Kapp, n.d.). This approach can be in lieu of legislation or as a supplement to it. Oregon, Utah, and Tennessee are examples of states that implemented the POLST program through regulatory power, rather than legislation (Cerminara & Bogin, 2008). This proposition is less complicated than going through the legislature and is possible “as long as the regulatory agency involved in creating or approving the program is satisfied that it has the power to do so under existing statutes and that the form complies with the existing statutes” (Cerminara & Bogin, 2008, p. 495).

The third proposal is to spearhead a public movement amongst the medical community (Cerminara & Bogin, 2008; Kapp, n.d.). Currently in Florida, there are two hospitals, JFK Medical Center in Atlantis and Citrus Memorial Hospital in Inverness, and one hospice in Pinellas County piloting the POLST form (The Florida State University Medical College of Medicine, 2013). Cerminara & Bogin, (2008) state “grassroots efforts to demonstrate the utility of POST could result in the spread of its use to such an extent that a health care professional would be acting contrary to the applicable standard of care by failing to use it” (p. 486). Nevada
is one such state that has used this technique, although their program is called MOLST (Cerminara & Bogin, 2008).

The multidisciplinary coalition under the umbrella of Florida State University is looking at all three options to push forward POLST in Florida. Please consider joining the movement at http://med.fsu.edu/?page=innovativeCollaboration.POLST for resources, articles, video, and PowerPoint presentation. We all want to respect our patients’ wishes but until POLST is passed, that is not always possible.
References


http://dx.doi.org/10.1080/01947640802494838


The Florida Senate -- How an Idea Becomes a Law. (n.d.).
