**UNDER WHAT CIRCUMSTANCES 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; or
- You are permanently unconscious; or
- CPR would be medically futile; or
- CPR would impose an extraordinary burden on you given your medical condition and the expected outcome of the 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 MY FAMILY MEMBERS DISAGREE?**

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

**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 a 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 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.

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**NEW YORK STATE DEPARTMENT OF HEALTH**

**WHAT HAPPENS 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 TO A DNR ORDER IF I AM TRANSFERRED FROM A NURSING HOME TO A HOSPITAL OR 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 decides on your behalf will be informed and can request that the order can be entered again.

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A Do-Not-Resuscitate 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 procedures as 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/her previous lifestyle. 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 illness 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 decision about CPR and your condition would cause you 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 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 before or during hospitalization in writing, 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 performed, such as mouth-to-mouth breathing, but not open heart massage.

Before making a decision about CPR, you should speak to 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 avoid 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 enter the order to transfer you to the care of another physician.

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, determines 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.

IF I DO NOT HAVE THE MENTAL CAPACITY TO MAKE A DECISION ABOUT CPR AND DO NOT LEAVE INSTRUCTIONS IN ADVANCE, WHO WILL DECIDE?

If you lose capacity to decide and did not leave advance instructions, a DNR order can be entered only with the consent of someone chosen by you in advance, or by a family member or another person with a close relationship to you. The person highest on the list will decide on your behalf:

- A person you have selected to decide about resuscitation;
- A court-appointed guardian (if there is one);
- Your closest relative;
- A close friend.

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.