

POLST Program Legislative Comparison - as of 6/1/2017

	Alabama	Alaska	Arizona	Arkansas	California ☼	Colorado ☼	Connecticut	Delaware	
1	Terminology None.	None.	None.	None.	Physician Orders for Life-Sustaining Treatment (POLST)	Physician Orders for Life-Sustaining Treatment (POLST)	Medical Orders for Scope of Treatment (MOST)	Medical Orders for Life-Sustaining Treatment (MOLST)	Medical Orders for Scope of Treatment (MOST)
2	Placement in the state code				Arkansas Code Title 20, Ch. 6, subchapter 201, amends Title 20, Chapter 6, Arkansas Health Care Decisions Act	2008 Cal. Legis. Serv. Ch. 266 (A.B. 3000), eff. Jan. 2008, amends Cal. Probate Code §§4780 – 4788 (part of the state Health Care Decisions Statute).	2008 Cal. Legis. Serv. Ch. 266 (A.B. 3000), eff. Jan. 2008, amends Cal. Probate Code §§4780 – 4788 (part of the state Health Care Decisions Statute).	2008 Cal. Legis. Serv. Ch. 266 (A.B. 3000), eff. Jan. 2008, amends Cal. Probate Code §§4780 – 4788 (part of the state Health Care Decisions Statute).	2008 Cal. Legis. Serv. Ch. 266 (A.B. 3000), eff. Jan. 2008, amends Cal. Probate Code §§4780 – 4788 (part of the state Health Care Decisions Statute).
3	Regulations/ Guidelines				None.	15 Calif. Code Reg. § 3351 (Inmate Refusal of Treatment) 22 Calif. Code Reg. § 100155 (Required Course Content for Paramedics)	None.	None.	16 Del. Admin. Code 4304-1.0 to 14.0 (DMOST) 2016 DE REG TEXT 421434, final regulations, eff. April 11, 2016
4	Entity responsible for development / approval of POLST				State Board of Health	Emergency Medical Services Authority~§4780(a)(2)(B)	Colorado Advance Directives Consortium.	The Commissioner of Public Health may establish an advisory group of healthcare providers and consumer advocates to make recommendations regarding the pilot program.	Department of Health and Social Services §§ 2503a, 2505a

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5	Provider signature required				Physician of the patient	Physician, Nurse Practitioner or Physician Assistant under supervision of physician-§4780(c)	Physician, Nurse Practitioner, Physician Assistant-§ 15-18.7-103	Physician, Advanced Practice Registered Nurse, Physician Assistant § 14-5(1)(c)	Health-care practitioner - § 2509a
6	Patient signature required?				Patient or legal representative of the patient. §20-6-204	Yes-§4780(c)	Yes. -§ 15-18.7-103	Yes § (1)(d)	Yes, § 2509a
7	Surrogate signature permitted? (Agent/Default Surrogate/Guardian)				Yes. §20-6-204(a)(1)	Yes-§4780(b) & ©	Yes. -§ 15-18.7-103	Yes § (1)(d)	Yes, § 2509a
8	Applicable to minors				Not addressed	Yes, case law authority	No.	Not addressed	Not addressed
9	Patient Limitations				Only those patients with a serious illness or medical frailty when a physician would not be surprised if the patient dies within one year. §20-6-202-5	None	None	Patient must have been "determined by a physician to be approaching the end stage of a serious, life-limiting illness or is in a condition of advanced, chronic progressive frailty" § (1)(a)	Physician must determine whether patient lacks decision-making capacity in order for authorized representative to make DMOST form. § 2518a Patient is with serious illness or frailty whose health care practitioner would not be surprised if patient died within next year. [see form]

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	Alabama	Alaska	Arizona	Arkansas	California ☼	Colorado ☼	Connecticut	Delaware
10 Other execution requirements ?				No. Form provided	No Form has box to identify health Care professional assisting in preparation.	No.	None	Statement that patient has been provided with plain language statement explaining DMOST form and its consequences; must meet other requirements established in Chapter 25A. § 2509a
11 Exclusive DNR form?				Form provided, but optional.	No, §4780(a)(2) & (e)	No.	No.	No.
12 Immunity provided?				Yes.	Yes, § 4782	Yes.	Not addressed	Yes, § 2515a
13 Duty to offer POLST?				No.	No	Not addressed. ~	Participation by the institution is voluntary	No.
14 Duty to comply?				Yes, with exceptions §20-6-205(c)(1)(2)	Yes, with limited exceptions, §4781.2(a)	Yes.--§ 15-18.7-104	Not addressed	Obligation to treat, except as otherwise provided in other sections of Chapter 25A. § 2508a
15 Original vs. Copies/faxes ?				Yes. §20-6-212	Original pink. Copies are valid. [see form]	On Wausau Astrobright Vulcan Green. Copies valid. [see form]	Original on lime green paper. Does not address copies.	Yes, § 2520a

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1 6	Conflicts with AD addressed?			Most recently executed shall take precedence. §20-6-207 (b)(1)(2)	Most recent controls, §4781.4	Most recently executed shall take precedence. §15-18.7-110(2)	Not addressed	Scope of treatment is governed by latest directive available, § 2513a
1 7	Presumption if section of form left blank			Form requires full treatment for any section not completed.	Full treatment [see form]	Full treatment [see form]	Not addressed	Full treatment [see form]
1 8	Out-of-state POLST recognized?			Not addressed	Not addressed	Yes. § 15-18.7-107(1)(l)	Not addressed	Yes, § 2510a
1 9	Web page for additional resources			None.	Coalition for Compassionate Care of California: www.capolst.org	http://www.coloradoadvancedirectives.com	None	http://delawaremost.org/
2 0	Electronic POLST & Registry				California POLST eRegistry Pilot Act - §4788 (in effect until Jan. 1, 2020)			Delaware Health Information Network (DHIN) § 2507a
2 1	Additional Notes			Law was enacted March 15, 2017			Because the law calls for a pilot program, not statewide implementation, it only directly affects people who live in the areas chosen by the state Department of Public Health for the pilot. The department is considering running the pilot in two areas: one urban and one rural. The program was extended in 2016 to 2017)	Always provide comfort care measures, regardless of level of treatment chosen. [see form]

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	Dist. Of Columbia	Florida	Georgia ☼	Hawaii ☼	Idaho ☼	Illinois	Indiana ☼
1	Terminology Medical Orders for Scope of Treatment (MOST)	Physician Orders for Life-Sustaining Treatment (POLST). [see form]	Physician Orders for Life-Sustaining Treatment (POLST)	Physicians Orders for Life-Sustaining Treatment (POLST)	Physician Orders for Scope of Treatment (POST)	Physician Orders for Life Sustaining Treatment (POLST) Paradigm Program	Physician Order for Scope of Treatment (POST)
2	Placement in the state code DC ST §§ 21-2221.01-2221.15, effective Feb. 27, 2016 (under Health-Care Decision of Decedents' Estates and Fiduciary Relations)		Ga. Code Ann. § 31-1-14	Haw. Rev. Stat. § 327K-1 thru K-4 to the state's health code, enacted July 15, 2009.	Idaho Code Ann § 39-4501 to -4515, specifically § 39-4512A ~ Enacted 2007. ~ Eff. July 1, 2007. Part of comprehensive "Medical Consent and Natural Death Act." Last Amend July 1, 2012.	20 ILCS § 2310-600(b-5) revising the Illinois Department of Public Health's (IDPH) Uniform DNR Advance Directive. Eff. Jan. 1, 2012. 755 ILCS 40/65, "Department of Public Health POLST form" (Part of Health Care Surrogate Act) 210 ILCS 45/2-	Ind. Code Ann. §§ 16-36-6-1 - -20. Approved May 7, 2013.
3	Regulations/Guidelines None.		Ga Comp. R. & Regs. 111-8-37-.16 (Home Care) Ga Comp. R. & Regs. 111-8-63-.24 (Residents' Files - Assisted Living Communities) Ga Comp. R. & Regs. 111-8-62-.24 (Resident Files - Personal Care Homes)	None.	Guidelines published by the EMS Bureau, Idaho Department of Health and Welfare: http://healthandwelfare.idaho.gov/Medical/EmergencyMedical/Services/PhysicianCommission/PhysicianOrdersforScopeofTreatmentPOST/tabid/807/Default.aspx	The POLST Illinois Task Force developed a guidance document (August 2013) 77 Ill. Adm. Code 395.300 (Basic Nursing Assistant Training Program)	IN ST 16-36-6-1
4	Entity responsible for development / approval of POLST	Department of Health. §§ 21-2221.02	Department of Public Health [see form]	Department of Health, § 327K-1	Idaho Department of Health and Welfare, § 39-4512A(6)	Illinois Department of Public Health. 20 ILCS § 2310-600.	Indiana State Department of Health, §16-36-69. See: http://www.in.gov/isd/h/25880.htm

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	Dist. Of Columbia	Florida	Georgia ☼	Hawaii ☼	Idaho ☼	Illinois	Indiana ☼
5	Provider signature required Authorized Health Care Professional (Licensed Physician, Advanced Practice Nurse). §§ 21-2221.04(a)(2) Only authorized health care professional that is treating the patient can complete the patient's MOST form. § 21-2221.05(b)(1)	Yes [see form]	Yes, § 31-1-14(c)(2)	Physician, Advanced practice registered nurse, § 327K-1 and K-2	Physician, Advanced practice professional nurse, or Physician Assistant. § 39-4512A(1)	Attending Practitioner (physician, licensed residence, advanced practice nurse, or physician assistant). IL St. Ch. 755 § 40/65. Also, [see form]	Physician, § 16-36-6-8(a)
6	Patient signature required?	Yes, §§ 21-2221.04(a)(4)	Yes, § 31-1-14(c)(2)	Yes, § 327K-1 and K-2	Patient or surrogate signature required. § 39-4512A(1)	Yes. [see form]	Yes. § 16-36-6-8(b)(2)
7	Surrogate signature permitted? (Agent/Default Surrogate/Guardian)	Yes, § 21-2221.04(a)(4)	Yes, § 31-1-14(c)(2)	Yes. § 327K-1 and K-2	Yes, § 39-4504.	Yes. [see form]	Yes, a representative of the qualified person may sign. § 16-36-6-7
8	Applicable to minors	Yes, § 21-2221.01(3), (13)	Not addressed	Yes.	Yes, § 39-4504	Not addressed.	Yes. § 16-36-6-7
9	Patient Limitations	Patient must be age 18+ to execute MOST form. § 21-2221.05(c)(1)(A)	Medical orders must be based on patient's current medical condition/preferences [see form]	None	POLST order is based on person's current medical condition and wishes. [see form]	None.	Must be a "qualified person" defined as having either (1) an advanced chronic progressive illness; (2) an advanced chronic progressive frailty; (3) a condition caused by injury, disease or illness from which there could be no recovery and death will occur within a short period of time; or (4) a medical condition that, if the person were to suffer cardiac or pulmonary

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10	Other execution requirements ?	After execution, hard copy must be provided to patient or patient's authorized representative. § 21-2221.04(b) Executed MOST form must be kept in prominent manner in patient's printed or electronic medical records. § 21-2221.04(b)		None	Provider must explain to the patient the difference between advance directives and POLST form. § 327K-2(b).	POST is completed by provider on password protected interactive web page: www.sos.idaho.gov/general/hcdr.htm	Witness over the age of 18 must sign also. 755 ILCS 40/65(b).	No
11	Exclusive DNR form?	No		No	No	No	No. 20 ILCS 2310/2310-600(b-5).	No
12	Immunity provided?	Not addressed		Yes, § 31-1-14(d)	Yes, § 327K-3	Yes, § 39-4513	Yes, 755 ILCS 40/65(d).	Yes, § 16-36-6-16(a)
13	Duty to offer POLST?	No		No	No	No, but duty to ask if the person or the surrogate decision maker has a POST and to provide one if requested § 39-4512C & 39-4512A(3).	No	No
14	Duty to comply?	Not addressed		Not addressed	Yes, § 327K-2(c)	Yes, with limited exceptions § 39-4512B & 39-4513(5)	Yes. 210 ILCS 47/2-104.2, 210 ILCS 50/3.57, 210 ILCS 85/6.19	Yes. Exceptions listed under § 16-36-6-15(a)(1)-(5).
15	Original vs. Copies/faxes ?	Yes, §§ 21-2221.04(d)	Use of original is strongly encouraged. Copies are legal and valid. [see form]	Yes, § 31-1-14(c)(5)	Original lime green preferred, but no color requirements. Copies are valid. [see form]	Yes, § 39-4514(9)(b)	Bright pink paper recommended or stored in a bright envelope, copies valid. Ill. St. Ch. 210 § 50/3.57	Print on bright pink paper recommended. Facsimiles, paper, or electronic copies valid. § 16-36-6-10(b)

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	Dist. Of Columbia	Florida	Georgia ☼	Hawaii ☼	Idaho ☼	Illinois	Indiana ☼	
16	Conflicts with AD addressed?	Yes, more recent document executed shall govern. § 21-2221.10		Yes, § 31-1-14(e)	Not addressed	Yes, § 39-4512A(2). But if signed by surrogate decision maker, not contrary to the person's last known expressed wishes or directions: 39-4512A(1).	Not addressed.	Not addressed.
17	Presumption if section of form left blank	Not addressed	Full treatment [see form]	Full treatment [see form]	Full treatment [see form]	Full treatment [see form]	Full treatment [see form]	Full treatment [see form]
18	Out-of-state POLST recognized?	Yes, § 21-2221.09		Yes, § 31-1-14(c)(6)	Not addressed	Yes, § 39-4514(6)	Form shall meet minimum requirements to nationally be considered a POLST form. 20 ILCS 2310/2310-600(b-5).	Not addressed.
19	Web page for additional resources	None	http://med.fsu.edu/?page=innovativeCollaboration.POLST	www.dph.ga.gov/POST	Kokua Mau: www.kokuamau.org/professionals/polst	Idaho Quality of Life Coalition: http://idqol.org	Chicago End-of-Life Care Coalition: http://www.cecc.info/resource-links/physicians-order-for-life	www.iupui.edu/~irespec/docs/INPOSTguidanceHCPJune2013.pdf This guidance book provides information to health care providers
20	Electronic POLST & Registry	Department of Health will conduct study regarding feasibility of electronic registry. Must determine feasibility within 180 days of effective date (Feb. 27, 2016). § 21-2221.14						
21	Additional Notes	Certain comfort care procedures will be provided, regardless of treatment orders on MOST form. § 21-2221.08 Execution of MOST form does not alter insurance policies. § 21-2221.13				POST identification jewelry authorized. § 39-4514(5)(c); 39-4502(15).		

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		Iowa ☼	Kansas ☼	Kentucky	Louisiana ☼	Maine ☼	Maryland	Massachusetts
1	Terminology	Iowa Physician Orders for Scope of Treatment (IPOST)	No legislation See: https://www.practicalbioethics.org/programs/transportable-physician-orders-for-patient-preferences	Medical Orders for Scope of Treatment (MOST)	Louisiana Physician Order for Scope of Treatment (LaPOST)	Physician Orders for Life Sustaining Treatment (POLST) [see form]	Medical Orders for Life-Sustaining Treatment (MOLST)	Medical Orders for Life Sustaining Treatment (MOLST) [see form]
2	Placement in the state code	Iowa Code Ann. §§ 144D.1 – 4 Added by Acts 2012 (84 G.A.) ch. 1008, H.F. 2165, § 5. Amended by Acts 2012 (84 G.A.) ch. 1133, S.F. 2336, § 95.		KRS 311.6225 (under Kentucky Living Will Directives Act)	LSA-R.S. 40:1155.1-1155.6 [formerly cited as LA R.S. 40:1299.64.1] (under Advance Directives and Life-Sustaining Procedures, "Louisiana Physician Order for Scope of Treatment")	None. Established by voluntary consensus.	Health Care Decisions Act-- "Medical Orders for Life-Sustaining Treatment" Form. Repealing and reenacting parts of the Health Care Decisions Act § 5-608, 5-609, 5-617, 5-619, and 19-344(f); Adding to § 5-608.1. Effective date: October 1, 2011	None. Established by voluntary consensus (specifically by precedent, from a pilot in western MA; now the form is used statewide)
3	Regulations/ Guidelines	Created as part of the Patient Autonomy in Health Care Decisions Pilot project created pursuant to 2008 Iowa Acts, chapter 1188, section 36, as amended by 2010 Iowa Acts, chapter 1192, section 58, as amended by 2010 Iowa Acts, chapter 1192, section 58. Eff. July 1, 2013. Iowa Admin. Code 641-145.1 to 145.3 (Iowa Physician		201 Ky. Admin. Regs. 9:470 (Standardized Medical Order for Scope of Treatment Form)	La. Admin Code. tit. 48, pt. I, § 201 thru §211. Eff. June 2011.		Code of Md Regulations (COMAR) 10.01.21.01 through .07, effective Jan. 1, 2013.	
4	Entity responsible for development / approval of POLST	Iowa Department of Public Health. See: www.idph.state.ia.us/hcr_committees/common/pdf/patient_autonomy_pilot_patient_autonomy_pilot_report.pdf		Kentucky Board of Medical Licensure. KRS 311.6225(2)	Department of Health and Hospitals. LSA-R.S. 40:1155.3		Department of Health and Mental Hygiene, in conjunction with the Maryland Institute for Emergency Medical Services Systems and the State Board of Physicians, 5-608.1(b)(1)(i) and (ii): The "Medical Orders for Life-Sustaining Treatment" form and the instructions for its completion and use shall be developed in consultation with: (1)	Department of Public Health. [see form]

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	Iowa ☼	Kansas ☼	Kentucky	Louisiana ☼	Maine ☼	Maryland	Massachusetts	
5	Provider signature required	Yes. Physician, Advanced Registered Nurse Practitioner, and Physician Assistant, I.C.A. § 144.D.2(1)(c).	Yes.	Patient's physician, health care professional preparing the form. KRS 311.6225(1)(f)	Physician, LSA-R.S. 40:1155.3(l)	Physician, Physician Assistant, Nurse Practitioner. [see form]	Health Care Decisions Act-- "Medical Orders for Life-Sustaining Treatment" Form. Repealing and reenacting parts of the Health Care Decisions Act § 5-608, 5-609, 5-617, 5-619, and 19-344(f); Adding to § 5-608.1. Effective date: October 1, 2011	Physician, Nurse Practitioner, Physician Assistant. [see form]
6	Patient signature required?	Yes, I.C.A. § 144.D.2(1)(b)	Patient or recognized decision maker.	Yes, KRS 311.6225(1)(f)	Yes. LSA-R.S. 40:1155.2(m)	Yes. [see form]	No. When health care facility completes the form, it must offer the patient to "participate." § 608.1(c)(2)(i). Option to decline is included on form.	Yes. [see form]
7	Surrogate signature permitted? (Agent/Default Surrogate/Guardian)	Yes, I.C.A. § 144.D.2(1)(b)	Yes.	Yes, KRS 311.6225(1)(f)	Yes. LSA-R.S. 40:1155.2(m)	Yes. [see form]	No (Same rule as above).	Yes. [see form]
8	Applicable to minors	No		Yes. KRS 311.6225(1)(e)	Yes. No age limit as long as a patient has a life limiting and irreversible condition. Anyone authorized by law who can speak for them can complete a POLST document	Yes. [see form]	Yes. Parents may authorize.	Yes. [see form]
9	Patient Limitations	Patient is one who is "frail and elderly or who has a chronic, critical medical condition or a terminal illness and for which a physician orders for scope of treatment is consistent with the individual's goals of care." §144D.1		Usually for persons with advanced illness. KRS 311.6225(1)(g)	Must be a "qualified patient," i.e. "having a life-limiting and irreversible condition" LSA-R.S. 40:1155.2(11).	Should reflect patient's preferences based on current medical condition. [see form]	Not applicable where primary diagnosis is psychiatric or related to pregnancy, or where patient is a minor unlikely to require life-sustaining treatment. COMAR10.01.21.02	

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	Iowa ☼	Kansas ☼	Kentucky	Louisiana ☼	Maine ☼	Maryland	Massachusetts
10	Other execution requirements ?	"If preparation of the form was facilitated by an individual other than the patient's physician, advanced registered nurse practitioner, or physician assistant, the facilitator shall also sign and date the form." § 144.D.2(1)(d)		No	When completing a new LaPOST form, the old LaPOST form must be properly voided. LSA-R.S. 40:1155.2(8)(o)(iii)(a) a).		No.
11	Exclusive DNR form?	Yes, §144A.3, see also 144D.4(3)		No	No		Existing EMS DNR order forms approved by MIEMSS and the Board of Physicians never expire. Going forward, they will only be using MOLST forms but will continue to
12	Immunity provided?	Yes, § 144.D.3(4)		Not addressed	Yes. LSA-R.S. 40:1155.5		Yes. Health-General § 5-609(b) and COMAR 10.01.21.07
13	Duty to offer POLST?	No		No	No		Not only a duty to offer, but a duty to complete MOLST for residents of nursing homes, assisted living programs, kidney dialysis centers, home health agencies, and hospices. Hospitals must complete the form to patients that will be transferring to one of these health care facilities or to another hospital. "Competing completing at least the certification
14	Duty to comply?	No - "may comply" § 144D.3(2), (5)		Yes. 311.623(2)	Yes. LSA-R.S. 40:1155.1(A)(4)(d)		Yes, including hospitals, Health-General § 5-608.1(f)
15	Original vs. Copies/faxes ?	No color requirement, but "The form shall be easily distinguishable." § 144.D.2(1)(f)		Use of original form is required. 311.6225(1)(h)	Print on gold color paper. Copies valid. LSA-R.S. 40:1155.2(8)	Original is strongly encouraged. Copies are legal and valid. [see form]	No color requirement for original. Copies and electronic format valid. COMAR 10.01.21.05

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1 6	Conflicts with AD addressed?	POST form does not supersede DNR form nor power of attorney. §144D.4(1)-(2). Related law: §144A.7 (discussing procedure in absence of DNR form).		If conflict between living will and MOST form, living will shall prevail. KRS 311.6225(1)(g)	Not addressed. In practice, most recent document is considered valid		Except in cases of medical ineffectiveness, a MOLST form must be consistent with wishes of competent patient, and if incompetent, consistent with any known advance directive. If more than one MOLST
1 7	Presumption if section of form left blank	Full treatment § 144.D.2(1)(g)		Full treatment. KRS 311.6225(1), and [see form]	Full treatment. LSA-R.S. 40:1155.2(8).	Full treatment. [see form]	No. But if emergency treatment is needed, Health-General §5-607 authorizes that treatment be provided if consent
1 8	Out-of-state POLST recognized?	Yes, § 144.D.3(1)		Not addressed	Not addressed		Yes. Health-General § 5-617.
1 9	Web page for additional resources	http://www.idph.state.ia.us/hcr_committees/common/pdf/patient_autonomy_pilot/patient_autonomy_pilot_report.pdf			http://www.lhcaf.org/apost/	http://polstmaine.org/	www.marylandmolst.org
2 0	Electronic POLST & Registry						
2 1	Additional Notes						Any individual may request completion of MOLST. COMAR10.01.2104 H

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		Michigan	Minnesota	Mississippi	Missouri ☼	Montana ☼	Nebraska	Nevada
1	Terminology	Physician Orders for Scope of Treatment (POST)	Provider Orders for Life Sustaining Treatment (POLST) [see form]	Physician Orders for Sustaining Treatment (POST).	Transportable Physician Orders for Patient Preferences (TPOPP)	Provider Orders for Life-Sustaining Treatment (POLST) [see form]	None.	Physician Orders for Life- Sustaining Treatment (POLST)
2	Placement in the state code	None. Established by voluntary consensus in select counties/communities.	None. Established by voluntary consensus.	Miss. Code. Ann. § 41 -41 -301 - 303, eff July 1, 2014. (under Uniform Health-Care Decisions Act)	None. Established by voluntary consensus.	None, but regulations adopted pursuant to the general rule-making authority granted under the Rights of the Terminally Ill Act, Mt Code Ann. § 50-9-110		N.R.S. 449.691-449.697, "Physician Orders for Life-Sustaining Treatment"
3	Regulations/Guidelines		Endorsement of POLST form by Emergency Medical Services Regulatory Board, meeting minutes of 9/11/09, available at: http://www.emsrb.state.mn.us/minutes/20090911-7.pdf	None		Mont. Admin. Rule § 37.10.. And MCA § 101, .104, and .105.		Nevada Admin. Code 450B.960 (DNR identification: procedures to be followed by persons who administer emergency medical services)
4	Entity responsible for development / approval of POLST		Minnesota Medical Association hosts a self-selected, open membership, interdisciplinary, statewide Steering Committee (voluntary consensus process)	The State Board of Medical Licensure shall promulgate a standard POST form. Miss. Code. Ann. § 41 -41 - 302(3)		Department of Public Health and Human Services and Board of Medical Examiners. Mont.Admin.R. 37.10.101(6).		State Board of Health; approved by the Governor, N.R.S. 449.694

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		Michigan	Minnesota	Mississippi	Missouri ☼	Montana ☼	Nebraska	Nevada
5	Provider signature required	Physician, Nurse Practitioner, Physician Assistant. [see form]	Physician (MD/DO), Nurse Practitioner, and Physician Assistant (when delegated)	Physician § 41 -41-302(3)(f)(i)		Physician, Nurse Practitioner, and Physician Assistant. Mont.Admin.R. 37.10.101(7), [see form]		Physician only [see form]
6	Patient signature required?	Yes. [see form]	No, but strongly encouraged. [see form]	The signature of the patient or the patient's representative is required. § 41 -41-302(3)(f)(ii)		Yes. [see form]		Yes. [see form]
7	Surrogate signature permitted? (Agent/Default Surrogate/Guardian)	Yes. [see form]	No, but strongly encouraged. [see form]	Yes, however, if the patient's representative is not reasonably available to sign the original form, a copy of the completed form with the signature of the patient's representative must be placed in the medical record as soon as practicable and "on file" must be		Yes. [see form]		Yes. [see form]
8	Applicable to minors		Yes, being used by at least one pediatric hospital.	Yes, § 41 -41-302(e)(ii)		No		Yes. [see form]
9	Patient Limitations		None	None.		None		No

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	Michigan	Minnesota	Mississippi	Missouri ☼	Montana ☼	Nebraska	Nevada
10	Other execution requirements ? Witness signatures. [see form]	No	None		No		No
11	Exclusive DNR form?	No	Yes		No		No
12	Immunity provided?	Under advance directive law, immunity exists when orders consistent with legal health care directive and/or instructions of legally appointed surrogate decision	Yes, except for purposeful acts. § 41-41-303		Yes		Yes. N.R.S. 449.6948
13	Duty to offer POLST?	No	No		No, but An attending physician, attending advanced practice registered nurse, or other health care provider who is unwilling to comply with this chapter shall take all reasonable steps as promptly as practicable to transfer care of the declarant to another physician, advanced practice registered nurse, or health care provider who is willing to do so. Mont. Code Ann. § 50-9-203		Not addressed
14	Duty to comply?	No – Health care directive law provides immunity for short term provision of life prolonging therapy, even against instructions in legal health care directive (& therefore despite POLST)	Yes		Yes, EMS personnel must follow POLST protocol. Mont.Admin.R. 37.10.104		Yes. N.R.S. 449.695
15	Original vs. Copies/faxes ?	Original form is strongly encouraged. Copies are legal and valid. [see form]	No color requirement for Original. Copies are valid. [see form]	Use of original form is required [see form]		On terra green (light lime green). Copies valid. [see form]	Original must be with patient during transfer or discharge. [see form]

POLST Program Legislative Comparison - as of 6/1/2017

	Michigan	Minnesota	Mississippi	Missouri ☼	Montana ☼	Nebraska	Nevada
1 6	Conflicts with AD addressed?		POLST form documents justification for orders (e.g. AD, patient stated preference, proxy instruction, or best interest)	Not addressed.		Not addressed	Not addressed
1 7	Presumption if section of form left blank	Full treatment. [see form]	Full treatment [see form]	Full treatment [see form]		Full treatment [see form]	Full treatment. [see form]
1 8	Out-of-state POLST recognized?		Not addressed	Not addressed		Not addressed	Yes. N.R.S. 449.696
1 9	Web page for additional resources	http://www.honoringhealthcarechoicesmi.org/	MN Med. Society: www.polstmn.org www.mnmed.org/KeyIssues/POLSTCommunications/tabid/3291/Default.aspx	None		http://bsd.dli.mt.gov/license/bsd_boards/med_board/polst.asp	
2 0	Electronic POLST & Registry						
2 1	Additional Notes			None			A portion of the form verifies that physician provided the completed/signed POLST to the Living Will Lockbox (www.LivingWillLockbox.com)

POLST Program Legislative Comparison - as of 6/1/2017

	New Hampshire	New Jersey	New Mexico	New York ☼	North Carolina ☼	North Dakota	Ohio	Oklahoma
1	Terminology Provider Orders for Life Sustaining Treatment (POLST)	Practitioner Orders for Life-Sustaining Treatment (POLST)	None.	Medical Orders for Life-Sustaining Treatment (MOLST)	Medical Order for Scope of Treatment (MOST)	None.	None.	Physician Orders for Life Sustaining Treatment (POLST)
2	Placement in the state code N.H. Rev. Stat. § 137-L:1 to 8 (New Hampshire POLST Registry Act)	Physician Orders for Life-Sustaining Treatment Act. N.J.S.A. 26:2H-129 thru 140. Approved Dec. 20, 2011. Freestanding Act, part of Health Facilities provisions.		A 2008 amendment to DNR provision of the Pub Health Law § 2977(13) (DNR law), eff.7/8/08, permitting use of an alternative form to the state DNR form, as approved by DOH. MOLST is the ONLY form approved by DOH and thus, DOH approval permitted MOLST to be used statewide in all settings; in 2010 this provision was replaced by a section of the Family Health Care Decisions	NC Gen. Stat. § 90-21.17, Eff. October 1, 2007, a section under the Medical Malpractice Actions article, recognizing "Portable do not resuscitate order and Medical Order for Scope of Treatment."			2016 Okla. Sess. Law Serv. Ch. 355 (H.B. 3017), to be codified as 63 Okl.St. Ann. § 3105.1-.5 (Physician Orders for Life-Sustaining Treatment Act)
3	Regulations/Guidelines None.	None. Guidance publication provided by the NJ Hospital Association at www.njha.com/quality-patient-safety/advanced-care-planning/polst		Form approved by Dept. of Health and EMS practice changed to allow EMS to follow DNR, DNI, and MOLST orders, effective 7/8/08. www.nyhealth.gov/professionals/patients/patient_rights/molst	Dept. of Health and Human Services, Office of EMS, adopted a MOST form and procedure, eff. January 1, 2008: www.ncdhhs.gov/dhsr/EMS/dnrmost.htm			None.
4	Entity responsible for development / approval of POLST Department of Health and Human Services. N.H. Rev. Stat. § 137-L:1, L:2	NJ Dept. of Health through NJHA Institute for Quality and Patient Safety. N.J.S.A. 26:2H-131		MOLST created by the Community-wide EOL/Palliative Care Initiative, Rochester, NY. Development, implementation, legislative advocacy and health policy change was led by Excellus BCBS, leader of the Initiative, in collaboration with DOH, and multiple collaborating partners. Statewide implementation now rests with the MOLST Statewide Implementation Team, with leadership supported by Excellus BlueCross BlueShield	Dept. of Health and Human Services, Division of Health Service Regulation. (Sell forms for 4 cents each). N.C.G.S.A. § 90-21.17(c)			Office of Attorney General. Okl.St. Ann. § 3105.3

POLST Program Legislative Comparison - as of 6/1/2017

	New Hampshire	New Jersey	New Mexico	New York ☼	North Carolina ☼	North Dakota	Ohio	Oklahoma
5	Provider signature required Physician, Advanced Practice Registered Nurse. [see form]	Attending Physician or Advanced Practice Nurse, 2H-134(b)(3)		Physician only. [see form]	Physician (MD/DO), Physician Assistant, Nurse Practitioner. N.C.G.S.A. § 90-21.17(c)			Yes, § 3105.4(E)
6	Patient signature required? Yes. [see form]	Yes. 2H-134(b)(2)		No, but informed consent is required. Verbal consent permitted. Two witnesses are always recommended. One witness may be the physician. [see form]	Yes. N.C.G.S.A. § 90-21.17(b)			Yes, § 3105.4(E)
7	Surrogate signature permitted? (Agent/Default Surrogate/Guardian) Yes. [see form]	Yes. 2H-134(b)(2)		Yes, by health care agent, PHL surrogate, minor's parent/guardian, or §1750-b surrogate. Verbal consent permitted. Two witnesses are always recommended. One witness may be the physician. [see form]	Yes. N.C.G.S.A. § 90-21.17(b)			Yes, § 3105.4(E)
8	Applicable to minors Yes. [see form]	Yes, minors may have POLST with parental or guardian consent. [see form]		Yes Capacity determination, clinical standards, notifications & other legal requirements exist, per DOH Checklist for Minor Patients: http://www.health.ny.gov/professionals/patients/patient_rights/olest/do	Yes. N.C.G.S.A. § 90-21.17(b)(2)			Yes, § 3105.4(F)
9	Patient Limitations Medical orders based on patient's current medical condition and preferences. [see form]	None, but "recommended for use on a voluntary basis by patients who have advanced chronic progressive illness or a life expectancy of less than five years , or who otherwise wish to further define their preferences for health care;" N.J.S.A. 26:2H-131		None.	None			None.

POLST Program Legislative Comparison - as of 6/1/2017

	New Hampshire	New Jersey	New Mexico	New York ☼	North Carolina ☼	North Dakota	Ohio	Oklahoma
10	Other execution requirements ? Not addressed	No		Separate signatures required for CPR instruction and for other life-sustaining treatments, as DOH regulations mandate ascertaining if a patient has made a decision regarding resuscitation instructions on the day of admission to a nursing home, while recognizing patients may not be ready to complete the entire MOLST form initially. EMS protocols align with cardiac and/or pulmonary arrest (page 1) and cardiac and/or pulmonary insufficiency (page 2.) Capacity determination, clinical and surrogate standards.	(1) If patient representative approves orally, must then sign a copy of the form and return it for entry into med record. Original must note signature "on file." (2) Form has box to identify health care professional assisting in preparation.			At the beginning of renewing and preparing the POLST form with the patient, the physician must give the person a copy of the disclosure statement. § 3105.3
11	Exclusive DNR form? No	No		No	No			No
12	Immunity provided? Yes. N.H. Rev. Stat. § 137-L:8	Yes. § 26:2H-138		Yes, PHL §2994-o, Family Health Care Decisions Act	Yes, 90-21.17(d)			Yes, § 3105.5
13	Duty to offer POLST? No. N.H. Rev. Stat. § 137-L:4, L:6	Not addressed		No	No			No
14	Duty to comply? Not addressed	Yes. 26H-134(a)		Yes. [see form]	No, but immunity provision does not apply if provider fails to comply with actual knowledge of the form's existence.			Yes, with exceptions. § 3105.4(F), 3105.5
15	Original vs. Copies/faxes ? Use original form if patient is transferred/discharged. [see form]	Original recommended; copies also valid (in NJ Guidelines for implementation) [see form]		Pink original is preferred. Copies, fax and electronic representation are legal and valid orders.	Pink original must be used. [see form]			Originals on pink paper. Copies are valid. § 3105.4

POLST Program Legislative Comparison - as of 6/1/2017

	New Hampshire	New Jersey	New Mexico	New York ☼	North Carolina ☼	North Dakota	Ohio	Oklahoma
1 6	Conflicts with AD addressed? Not addressed	More recent verbal or written directive prevails. § 26:2H-135(c).		Not specifically addressed but surrogates are obligated to follow patient's known wishes; otherwise best interests.	Yes, MOST form "may suspend any conflicting directions in patient's AD.90-21.17(c)			Not addressed
1 7	Presumption if section of form left blank Full treatment [see form]	Full treatment [see form]		No. Section may be crossed out with notation "Decision Deferred"	Full treatment [see form]			Full treatment, § 3105.4
1 8	Out-of-state POLST recognized? Not addressed	Yes. § 26:2H-134(4)		Yes	Not addressed			No, out-of-state form only valid for 10 days after patient's admission into OK medical care facility. § 3105.3
1 9	Web page for additional resources	www.njha.com/quality-patient-safety/advanced-care-planning/polst and www.goolsocare.org		Dept. of Health: www.nyhealth.gov/professionals/patients/patient_rights/molst Also see Compassion and	NC Medical Society: www.ncmedsoc.org/pages/public_health_info/end_of_life.html			
2 0	Electronic POLST & Registry Department shall establish and operate statewide registry. N.H. Rev. Stat. § 137-L:3 NH POLST registry fund. N.H. Rev. Stat. § 137-L:3(V)							
2 1	Additional Notes As much as HIPAA permits, qualified researchers may obtain registry information for research purposes. N.H. Rev. Stat. § 137-L:3(II) NOTE: POLST in New Hampshire has been established by medical consensus and not by legislation.	Physician and Advance Practice Nurse education in end-of-life care required (Section 14(a), 15 (a) of law)		Physician and APN education in end-of-life care required (§14(a), 15 (a) of law). NY has created eMOLST, a secure web-based application that allows enrolled users to complete the eMOLST form and MOLST Chart Documentation Form (goals for care discussion and legal requirements). The forms are created as pdf documents that can be printed for the patient and a paper-based medical record, stored in an EMR and become part of the NYS eMOLST registry.				Requires the POLST form to incorporate verbatim a paragraph describing the patient's medical treatment rights under Oklahoma law. § 3105.4(F)

POLST Program Legislative Comparison - as of 6/1/2017

	Oregon ☼	Pennsylvania ☼	Rhode Island	South Carolina	South Dakota	Tennessee ☼	Texas	Utah ☼	
1	Terminology	Physician Orders for Life-Sustaining Treatment (POLST)	Pennsylvania Orders for Life-Sustaining Treatment (POLST)	Medical Orders for Life-Sustaining Treatment (MOLST)	None.	None.	Physician Orders for Scope of Treatment (POST)	None.	Life with Dignity Order (LWDO) – generic term. Physician Orders for Life Sustaining Treatment (POLST)
2	Placement in the state code	No statute from inception in 1991 until 2009 Oregon POLST Registry Act, Or. Rev. Stat. Ann. §127-663 to -684, eff. June 26, 2009, which defined POLST. And created a POLST registry.	None. Established by voluntary consensus.	R.I. Gen. Laws §23-4.11-3.1 and 23-4.11-2 (10) (part of the state Living Will Statute, §23-4.11-1 to -15). Defines MOLST as another type of “Declaration” eff. June 11, 2012.			Tenn. Code. Ann. § 68-11-224, amended by TN LEGIS 254 (2013), approved April 19, 2013.		Utah Code Ann. §75-2a-106, plus definition at §75-2a-103(17), enacted in 2007 as part of a comprehensive advance directive statute (eff. Jan. 1, 2008).
3	Regulations/Guidelines	OAR 847-035-0030(6), a Medical Bd. regulation requiring EMS personnel to honor POLST; and OAR 847-010-0110 (Medical Bd. regulation), requiring physicians, nurse practitioners, and physician assistants to honor POLST even if the signer is not on the facility medical staff. Registry rules are at OAR 333-270-0030 to -0080. Guidance for professionals: www.oregonpolst.org/sample-policies	Secretary of Health approved a standard form called Pennsylvania Order for Life-Sustaining Treatment for use in Pennsylvania. October 24, 2010	Rules and Regulations Pertaining to Medical Orders for Life-sustaining Treatment, R23-4.11-MOLST. See: www.pcmhri.org/files/uploads/Rules%20and%20Regulations%20Pertaining%20to%20Medical%20Orders%20for%20Life%20Sustaining%20Treatment.pdf			Board for Licensing Health Care Facilities adopted Physician Orders for Scope of Treatment (POST) in requirements for each type of facility. See Tenn. Comp. R. & Regs. 1200-08-01-.15 (Appendix I) for Hospitals. Similar provision applies to other facilities: http://www.state.tn.us/sos/rules/1200/1200-08/1200-08-01.20120402.pdf (Appendix 1) Also see: http://health.state.tn.us/Boards/AdvanceDirectives See also FAQs: http://health.state.tn.us/AdvanceDirectives/FAQ_POST.htm		Utah Admin. R. 432-31. Regulation eff. Feb. 25, 2010: www.rules.utah.gov/publicat/code/r432/r432-031.htm . Form: http://health.utah.gov/hflcra/forms/POLST/POLSTForm2010.pdf
4	Entity responsible for development / approval of POLST	Oregon POLST Task Force through the Center for Ethics in Health Care at Oregon Health & Science University	Pennsylvania Department of Health [see form]	Dept. of Health~§ 23-4.11-3.1 www.health.ri.gov/lifestages/death/about/medicalordersforlifesustainingtreatment			Board for Licensing Health Care Facilities. Tenn. Code. Ann. § 68-11-224(j)(1)		Department of Health, 75-2a-106(10). See http://health.utah.gov/vems/polst

POLST Program Legislative Comparison - as of 6/1/2017

	Oregon ☼	Pennsylvania ☼	Rhode Island	South Carolina	South Dakota	Tennessee ☼	Texas	Utah ☼
5	Provider signature required	Physician, Nurse Practitioner, Physician Assistant, Or. Admin. Rule 333-270-0030	Physician, Physician Assistant, Nurse Practitioner (CRNP) [see form]	Physician (MD/DO), Registered Nurse Practitioner, Physician Assistant, 23-4.11-2(12)		Physician, Physician Assistant, Nurse Practitioner, or Clinical Nurse Specialist (For the non-physicians, extensive prerequisites must be met). Tenn. Code. Ann. § 68-11-224(a)(8)(B)		Physician, Advance Practice RN, or Physician Asst (w/in scope supervisory agreement). Also provides that other specified health professionals acting under the supervision of the above may "prepare" the LWDO. Form includes box for preparer signature, also. 75-2a-106(2)
6	Patient signature required?	No, but strongly recommended	Yes [see form]	Yes, 23-4.11-3.1(b) and (c).		Not required in statute, but optional signature line included in approved form. [see form]		Yes, 75-2a-106(3)
7	Surrogate signature permitted? (Agent/Default Surrogate/Guardian)	Yes, ORS 127.635 (default surrogate consent law)	Yes [see form]	Yes, 23-4.11-3.1(b) and (c).		Yes. [see form]		Yes, 75-2a-106(3)
8	Applicable to minors	Yes	Yes	Yes		Yes, 68-11-224		Yes, 75-2a-106(3), but If patient is a minor and POLST calls for forgoing LST, 2 physicians must certify that it is "in the best interest of the minor." §75-2a-106(4)
9	Patient Limitations	None	None	Limited to "Qualified patient" i.e., one in a terminal condition. 23-4.11-2(16), but defined very broadly as an "incurable or irreversible condition that, without the administration of life sustaining procedures, will, in the opinion of the attending physician, result in death." 23-4.11-2(20).		None		None

POLST Program Legislative Comparison - as of 6/1/2017

	Oregon ☼	Pennsylvania ☼	Rhode Island	South Carolina	South Dakota	Tennessee ☼	Texas	Utah ☼
10	Other execution requirements ?	No. Form has box to identify health care. professional assisting in preparation.	No	No			No	Form has box to identify health care. professional assisting in preparation.
11	Exclusive DNR form?	Outside of health care facilities, yes.	No	No, 23-4.11-3.1(b)			No	No R432-31-11
12	Immunity provided?	Yes, Or. Rev. Stat. 127.555 (advance directive law) as interpreted by OAR 847-010-0110	Not addressed	Yes, 23-4.11-8			Yes-68-11-224	Yes, both for complying and for providing LST in contravention of the POLST, 75-2a-106(6)
13	Duty to offer POLST?	No	Not addressed	No			No, but if patient has a DNR order at time of discharge, facility "shall complete a POST form"	Yes, must establish policies to determine who is appropriate for POLST and offer. R432-31-4
14	Duty to comply?	Yes, OAR 847-010-0110	Not addressed	Yes, with limited exceptions, 23-4.11-3.1(c)			Form must accompany patient on transfer or discharge.	No. But facilities have duty to transfer copy of POLST with patient
15	Original vs. Copies/faxes ?	Pink original. Copies valid	Print on pulsar pink card stock recommended. Copies valid [see form]	Yes			Approved form notes that copies are valid.	Use of original is strongly encouraged. Copies valid. [see form]

POLST Program Legislative Comparison - as of 6/1/2017

	Oregon ☼	Pennsylvania ☼	Rhode Island	South Carolina	South Dakota	Tennessee ☼	Texas	Utah ☼
1 6	Conflicts with AD addressed?	No	Any current AD, if available, must be reviewed	Not addressed			Not addressed	POLST controls, 75-2a-106(7)
1 7	Presumption if section of form left blank	Full treatment. [see form]	Healthcare provider should follow other appropriate methods to determine treatment. [see form]	Full treatment [see form]			Full treatment [see form]	Not addressed.
1 8	Out-of-state POLST recognized?	Yes, OAR 847-010-0110 is interpreted to support compliance with out-of-state forms. See: www.oregonpolst.org/wp-content/uploads/2013/02/Out-of-State-POLST-Task-Force-Report.pdf	Not addressed	Yes, § 23-4.11-12			Not addressed	Yes, R432-31-11
1 9	Web page for additional resources	OR Health Sciences at: www.orpolst.org/	The Aging Institute of UPMC Senior Services and the University of Pittsburgh -- www.aging.pitt.edu/prof	www.health.ri.gov/lifestages/death/about/medicalordersforlife/sustainingtreatment.Also		http://endoflifecaretn.org		UT Center on Aging Provider Guide at http://aging.utah.edu/programs/utah-coa/directives/provider.php , and ,
2 0	Electronic POLST & Registry	Statewide registry. O.R.S. § 127.666						
2 1	Additional Notes	Oregon POLST Registry became available for statewide use in late 2009. The law does not require a patient to have a POLST form, but if completed, the signing health care professional must submit to the Registry, unless patient opts out. See: www.oregonpolst.org/oregon-polst-registry	See also: http://www.polst.org/wp-content/uploads/2013/01/POLST-Education.pdf			Physician's verbal orders are acceptable with follow-up signature by physician in accordance with facility/community policy.		DOH developing web page for electronic registry. Also referred to as "A Life with Dignity Order"

POLST Program Legislative Comparison - as of 6/1/2017

	Vermont	Virginia ☼	Washington ☼	West Virginia ☼	Wisconsin ☼ (La Crosse Region)	Wyoming
1	Terminology Clinician Orders for Life-sustaining Treatment (COLST)	Physician Orders for Scope of Treatment (POST) [see form]	Physician Orders for Life-Sustaining Treatment (POLST)	Physician Orders for Scope of Treatment (POST)	Physician Orders for Life Sustaining Treatment (POLST)	Provider Orders for Life Sustaining Treatment (POLST)
2	Placement in the state code 2005 revisions to Advance Directive law included rulemaking for COLST, at 18 V.S.A. § 9719. A 2009 amendment added a definition, §9701(6); and in 2011 specifications for COLST, §9708.	None. Established by voluntary consensus.	Rev. Code Wash. Ann. § 43.70.480 amendment in 2000 mandated DOH develop EMS guidelines – including “a simple form that shall be used statewide” - for persons with signed writings requesting no “futile emergency medical treatment.”	Amendment to WV Code §16-30C-1 to -16 (DNR law); and 16-30-1 to 25 (Health Care Decisions Act) specifically § 16-30-3(u), -5, -10, -13(d), and -25. Enacted 2002.	None. Established by voluntary consensus.	W.S.1977 § 35-22-501 to -509 (“Provider Orders for Life Sustaining Treatment Program Act”), under Chapter 22: Living Will
3	Regulations/Guidelines Vt. Admin. Code 12-5-15:1, particularly 12-5-15: Appendix B. See: http://healthvermont.gov/news/2011/063011_DNR-COLST.aspx Also see: http://healthvermont.gov/regs/ad/dnr_colst_instructions.pdf		The Dept. of Health developed the form and program in conjunction with the Washington State Medical Assn: http://www.wsma.org/POLST	Guidelines -- provided by the WV Center for End-of-Life Care at: www.wvendoflife.org/POLST and www.wvendoflife.org/MediaLibraries/WVCEOLC/Media/professional/POST-Manual-2012-complete.pdf		WY Rules and Regulations HLTH POLST Ch. 1 §§ 1-6 (Provider Orders for Life Sustaining Treatment)
4	Entity responsible for development / approval of POLST Vermont Dept. of Health. [see form]	Virginia POST Collaborative. [see form]	The Dept. of Health, Office of Emergency Medical Services & Trauma System (OEMSTS)	Development: Dept. of Health & Human Resources/ Management: The West Virginia Center for End-of-Life Care.	La Crosse Area Advanced Directive Task Force	Department of Health. W.S.1977 § 35-22-504

POLST Program Legislative Comparison - as of 6/1/2017

	Vermont	Virginia ☼	Washington ☼	West Virginia ☼	Wisconsin ☼ (La Crosse Region)	Wyoming
5	Provider signature required Physician or Osteopath, Advance Practice RN, or Physician Assistant [see form]	Physician, Nurse Practitioner, Physician Assistant. [see form]	Physician, Nurse Practitioner, or Physician Assistant [see form]	Yes, physician. § 16-30-25	Physician, Nurse Practitioner. [see form]	Yes, licensed primary health care provider entering medical orders on the POLST form. W.S.1977 § 35-22-504(a)(iii)(D)
6	Patient signature required? Informed consent required, but signature is optional. Informed consent not required physician and 2nd clinician have "determined that resuscitation would not prevent the imminent death of the patient, should the patient	Yes. [see form]	Yes. [see form]	Yes, § 16-30-25	No, optional. [see form]	Yes, W.S.1977 § 35-22-504(a)(iii)(B)
7	Surrogate signature permitted? (Agent/Default Surrogate/Guardian)	Yes, 9708(f)	Yes. [see form]	Yes. [see form]	Yes, § 16-30-25	Yes, W.S.1977 § 35-22-504(a)(iii)(B)
8	Applicable to minors	No	Yes	None	Yes. [see form]	Yes, W.S.1977 § 35-22-503(e)
9	Patient Limitations	None	Order should reflect patient's current preferences. [see form]	None		Recommended for patients with advanced illness or frailty

POLST Program Legislative Comparison - as of 6/1/2017

	Vermont	Virginia ☼	Washington ☼	West Virginia ☼	Wisconsin ☼ (La Crosse Region)	Wyoming
10	Other execution requirements ? Patient's clinician must sign the DNR part of the form separately from the other medical interventions. If patient is in a health care facility, clinician must certify that the facility's DNR policy has been followed. 9708(a)(4)1		Form has box to identify health care. Professional assisting in preparation.	No		No
11	Exclusive DNR form? Not within facility, but required in community. 9708(b) and (c)		No	No		No
12	Immunity provided? Yes, §9713		Yes, statute interpreted to provide for EMS responders. Rev. Code Was. Ann.Y3 §18.71.210	Yes. W. Va. Code, § 16-30-10	N.B. See Attorney General Opinion 10-14, which states that "reliance on a POLST form would not trigger immunity for a healthcare provider."	Yes, W.S.1977 § 35-22-505
13	Duty to offer POLST? Yes		No	No		No
14	Duty to comply? Yes, 9708(i)		Yes, by EMS as the accepted standard of care	Yes, §16-30-12 and 16-30-10 and §16-30C-7		Yes, W.S.1977 § 35-22-505
15	Original vs. Copies/faxes ? Original any color. Copies valid per instructions.	Original form is encouraged. Copies are honored. [see form]	Green original (a downloadable original can be printed on green stock). Copies valid.	Bright Pink Original. Copies must be pink. W. Va. Code, § 16-30-25	Original must accompany patient when transferred or discharged. [see form]	Use of original form is strongly encouraged. Yellow cardstock original. Copies are valid. [see form]

POLST Program Legislative Comparison - as of 6/1/2017

	Vermont	Virginia ☼	Washington ☼	West Virginia ☼	Wisconsin ☼ (La Crosse Region)	Wyoming
1 6	Conflicts with AD addressed? Not addressed.		Most recently completed form takes precedence.	The person's expressed directives control. 16-30-5(b)		Not addressed
1 7	Presumption if section of form left blank No presumption.	Full treatment [see form]	Full treatment [see form]	Full treatment [see form]	Full treatment [see form]	Full treatment [see form]
1 8	Out-of-state POLST recognized? Yes, 18 V.S.A. §9708(k)		Not addressed	Yes, DNR §16-30C-15 Not addressed for POST		Not addressed
1 9	Web page for additional resources Vermont Ethics Network: http://vtethicsnetwork.org/colst.html	http://www.virginiapolst.org/	WA State Medical Assn at http://www.wsma.org/POLST	WV Center for EOL Care: www.wvendoflife.org/POST		https://www.wyomed.org/WyoPOLST
2 0	Electronic POLST & Registry Commissioner shall develop and maintain a registry. 18 V.S.A. § 9719(b), (c)(1). Definition of "registry." 18 V.S.A. § 9701(28).			Can be filed with WV e-Directive Registry. See: www.wvendoflife.org/e-Directive-Registry		
2 1	Additional Notes If DNR order issued, clinician shall authorize the issuance of DNR identification (bracelet) §9708(h)					The POLST legislation shall not be construed as condoning, authorizing, or approving euthanasia/mercy killing. W.S.1977 § 35-22-509