

## PHYSICIAN ORDERS FOR LIFE-SUSTAINING TREATMENT

**NRS 449.691 Definitions.** As used in [NRS 449.691 to 449.697](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 449.6912 to 449.6934](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2013, 2284](#))

**NRS 449.6912 “Attending physician” defined.** “Attending physician” has the meaning ascribed to it in [NRS 449.550](#).

(Added to NRS by [2013, 2284](#))

**NRS 449.6915 “Do-not-resuscitate identification” defined.** “Do-not-resuscitate identification” has the meaning ascribed to it in [NRS 450B.410](#).

(Added to NRS by [2013, 2284](#))

**NRS 449.6916 “Do-not-resuscitate order” defined.** “Do-not-resuscitate order” has the meaning ascribed to it in [NRS 450B.420](#).

(Added to NRS by [2013, 2284](#))

**NRS 449.6918 “Emergency care” defined.** “Emergency care” means the use of life-resuscitating treatment and other immediate treatment provided in response to a sudden, acute and unanticipated medical emergency in order to avoid injury, impairment or death.

(Added to NRS by [2013, 2284](#))

**NRS 449.692 “Health care facility” defined.** “Health care facility” has the meaning ascribed to it in [NRS 162A.740](#).

(Added to NRS by [2013, 2284](#))

**NRS 449.6922 “Incompetent” defined.** “Incompetent” has the meaning ascribed to it in [NRS 159.019](#).

(Added to NRS by [2013, 2284](#))

**NRS 449.6924 “Life-resuscitating treatment” defined.** “Life-resuscitating treatment” has the meaning ascribed to it in [NRS 450B.450](#).

(Added to NRS by [2013, 2284](#))

**NRS 449.6925 “Life-sustaining treatment” defined.** “Life-sustaining treatment” has the meaning ascribed to it in [NRS 449.570](#).

(Added to NRS by [2013, 2284](#))

**NRS 449.6928 “Other types of advance directives” defined.** “Other types of advance directives” means an advance directive as defined in [NRS 449.905](#), but does not include a POLST form.

(Added to NRS by [2013, 2284](#))

**NRS 449.693 “Physician Order for Life-Sustaining Treatment form” or “POLST form” defined.** “Physician Order for Life-Sustaining Treatment form” or “POLST form” means the form prescribed pursuant to [NRS 449.694](#) that:

1. Records the wishes of the patient; and
2. Directs a provider of health care regarding the provision of life-resuscitating treatment and life-sustaining treatment.

(Added to NRS by [2013, 2284](#))

**NRS 449.6932 “Provider of health care” defined.** “Provider of health care” means an individual who is licensed, certified or otherwise authorized or allowed by law to provide health care in the ordinary course of business or practice of a profession, and includes a person who:

1. Is described in [NRS 629.031](#); or
2. Administers emergency medical services as defined in [NRS 450B.460](#).

(Added to NRS by [2013, 2284](#))

**NRS 449.6934 “Representative of the patient” defined.** “Representative of the patient” means a legal guardian of the patient, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to [NRS 449.600](#) or a person given power of attorney to make decisions concerning health care for the patient pursuant to [NRS 162A.700](#) to [162A.860](#), inclusive.

(Added to NRS by [2013, 2285](#))

**NRS 449.694 Board required to prescribe standardized POLST form; requirements.** The Board shall prescribe a standardized Physician Order for Life-Sustaining Treatment form, commonly known as a POLST form, which:

1. Is uniquely identifiable and has a uniform color;
2. Provides a means by which to indicate whether the patient has made an anatomical gift pursuant to [NRS 451.500](#) to [451.598](#), inclusive;
3. Gives direction to a provider of health care or health care facility regarding the use of emergency care and life-sustaining treatment;
4. Is intended to be honored by any provider of health care who treats the patient in any health-care setting, including, without limitation, the patient’s residence, a health care facility or the scene of a medical emergency; and
5. Includes such other features and information as the Board may deem advisable.

(Added to NRS by [2013, 2285](#))

**NRS 449.6942 Physician required to explain POLST form under certain circumstances and to complete POLST form upon request of patient; validity.**

1. A physician shall take the actions described in subsection 2:
  - (a) If the physician diagnoses a patient with a terminal condition;
  - (b) If the physician determines, for any reason, that a patient has a life expectancy of less than 5 years;or
  - (c) At the request of a patient.
2. Upon the occurrence of any of the events specified in subsection 1, the physician shall explain to the patient:
  - (a) The existence and availability of the Physician Order for Life-Sustaining Treatment form;
  - (b) The features of and procedures offered by way of the POLST form; and
  - (c) The differences between a POLST form and the other types of advance directives.
3. Upon the request of the patient, the physician shall complete the POLST form based on the preferences and medical indications of the patient.
4. A POLST form is valid upon execution by a physician and:
  - (a) If the patient is 18 years of age or older and of sound mind, the patient;
  - (b) If the patient is 18 years of age or older and incompetent, the representative of the patient; or
  - (c) If the patient is less than 18 years of age, the patient and a parent or legal guardian of the patient.
5. As used in this section, “terminal condition” has the meaning ascribed to it in [NRS 449.590](#).

(Added to NRS by [2013, 2285](#))

**NRS 449.6944 Revocation of POLST form; entry of revocation in medical records of patient.**

1. A Physician Order for Life-Sustaining Treatment form may be revoked at any time and in any manner by:
  - (a) The patient who executed it, if competent, without regard to his or her age or physical condition;
  - (b) If the patient is incompetent, the representative of the patient; or
  - (c) If the patient is less than 18 years of age, a parent or legal guardian of the patient.
2. The revocation of a POLST form is effective upon the communication to a provider of health care, by the patient or a witness to the revocation, of the desire to revoke the form. The provider of health care to whom the revocation is communicated shall:
  - (a) Make the revocation a part of the medical record of the patient; or
  - (b) Cause the revocation to be made a part of the medical record of the patient.

(Added to NRS by [2013, 2285](#))

**NRS 449.6946 Conflict with other advance directive or do-not-resuscitate identification.**

1. If a valid Physician Order for Life-Sustaining Treatment form sets forth a declaration, direction or order which conflicts with a declaration, direction or order set forth in one or more of the other types of advance directives:

(a) The declaration, direction or order set forth in the document executed most recently is valid; and

(b) Any other declarations, directions or orders that do not conflict with a declaration, direction or order set forth in another document referenced in this subsection remain valid.

2. If a valid POLST form sets forth a declaration, direction or order to provide life-resuscitating treatment to a patient who also possesses a do-not-resuscitate identification, a provider of health care shall not provide life-resuscitating treatment if the do-not-resuscitate identification is on the person of the patient when the need for life-resuscitating treatment arises.

(Added to NRS by [2013, 2286](#))

**NRS 449.6948 Immunity from civil and criminal liability and discipline for unprofessional conduct.**

1. A provider of health care is not guilty of unprofessional conduct or subject to civil or criminal liability if:

(a) The provider of health care withholds emergency care or life-sustaining treatment:

(1) In compliance with a Physician Order for Life-Sustaining Treatment form and the provisions of [NRS 449.691](#) to [449.697](#), inclusive; or

(2) In violation of a Physician Order for Life-Sustaining Treatment form if the provider of health care is acting in accordance with a declaration, direction or order set forth in one or more of the other types of advance directives and:

(I) Complies with the provisions of [NRS 449.695](#); or

(II) Reasonably and in good faith, at the time the emergency care or life-sustaining treatment is withheld, is unaware of the existence of the POLST form or believes that the POLST form has been revoked pursuant to [NRS 449.6944](#); or

(b) The provider of health care provides emergency care or life-sustaining treatment:

(1) Pursuant to an oral or written request made by the patient, the representative of the patient, or a parent or legal guardian of the patient, who may revoke the POLST form pursuant to [NRS 449.6944](#);

(2) Pursuant to an observation that the patient, the representative of the patient or a parent or legal guardian of the patient has revoked, or otherwise indicated that he or she wishes to revoke, the POLST form pursuant to [NRS 449.6944](#); or

(3) In violation of a POLST form, if the provider of health care reasonably and in good faith, at the time the emergency care or life-sustaining treatment is provided, is unaware of the existence of the POLST form or believes that the POLST form has been revoked pursuant to [NRS 449.6944](#).

2. A health care facility, ambulance service, fire-fighting agency or other entity that employs a provider of health care is not guilty of unprofessional conduct or subject to civil or criminal liability for the acts or omissions of the employee carried out in accordance with the provisions of subsection 1.

(Added to NRS by [2013, 2286](#))

**NRS 449.695 Provider of health care required to comply with valid POLST form; modification by physician; transfer of care of patient; exceptions.**

1. Except as otherwise provided in this section and [NRS 449.6946](#), a provider of health care shall comply with a valid Physician Order for Life-Sustaining Treatment form, regardless of whether the provider of health care is employed by a health care facility or other entity affiliated with the physician who executed the POLST form.

2. A physician may medically evaluate the patient and, based upon the evaluation, may recommend new orders consistent with the most current information available about the patient's health status and goals of care. Before making a modification to a valid POLST form, the physician shall consult the patient or, if the patient is incompetent, shall make a reasonable attempt to consult the representative of the patient and the patient's attending physician.

3. Except as otherwise provided in subsection 4, a provider of health care who is unwilling or unable to comply with a valid POLST form shall take all reasonable measures to transfer the patient to a physician or health care facility so that the POLST form will be followed.

4. Life-sustaining treatment must not be withheld or withdrawn pursuant to a POLST form of a patient known to the attending physician to be pregnant, so long as it is probable that the fetus will develop to the point of live birth with the continued application of life-sustaining treatment.

5. Nothing in this section requires a provider of health care to comply with a valid POLST form if the provider of health care does not have actual knowledge of the existence of the form.

(Added to NRS by [2013, 2287](#))

**NRS 449.6952 Assumption of validity of POLST form; presumption of intent of patient not created if patient has revoked or not executed POLST form.**

1. Unless he or she has knowledge to the contrary, a provider of health care may assume that a Physician Order for Life-Sustaining Treatment form complies with the provisions of [NRS 449.691](#) to [449.697](#), inclusive, and is valid.

2. The provisions of [NRS 449.691](#) to [449.697](#), inclusive, do not create a presumption concerning the intention of a:

(a) Patient if the patient, the representative of the patient or a parent or legal guardian of the patient has revoked the POLST form pursuant to [NRS 449.6944](#); or

(b) Person who has not executed a POLST form,

↳ concerning the use or withholding of emergency care or life-sustaining treatment.

(Added to NRS by [2013, 2287](#))

**NRS 449.6954 Death does not constitute suicide or homicide; effect of POLST form on policy of insurance; prohibiting or requiring execution of POLST form prohibited as condition for insurance or receipt of health care.**

1. Death that results when emergency care or life-sustaining treatment has been withheld pursuant to a Physician Order for Life-Sustaining Treatment form and in accordance with the provisions of [NRS 449.691](#) to [449.697](#), inclusive, does not constitute a suicide or homicide.

2. The execution of a POLST form does not affect the sale, procurement or issuance of a policy of life insurance or an annuity, nor does it affect, impair or modify the terms of an existing policy of life insurance or an annuity. A policy of life insurance or an annuity is not legally impaired or invalidated if emergency care or life-sustaining treatment has been withheld from an insured who has executed a POLST form, notwithstanding any term in the policy or annuity to the contrary.

3. A person may not prohibit or require the execution of a POLST form as a condition of being insured for, or receiving, health care.

(Added to NRS by [2013, 2287](#))

**NRS 449.6956 Unlawful acts; penalty.**

1. It is unlawful for:

(a) A provider of health care to willfully fail to transfer the care of a patient in accordance with subsection 3 of [NRS 449.695](#).

(b) A person to willfully conceal, cancel, deface or obliterate a Physician Order for Life-Sustaining Treatment form without the consent of the patient who executed the form.

(c) A person to falsify or forge the POLST form of another person, or willfully conceal or withhold personal knowledge of the revocation of the POLST form of another person, with the intent to cause the withholding or withdrawal of emergency care or life-sustaining treatment contrary to the wishes of the patient.

(d) A person to require or prohibit the execution of a POLST form as a condition of being insured for, or receiving, health care in violation of subsection 3 of [NRS 449.6954](#).

(e) A person to coerce or fraudulently induce another to execute a POLST form.

2. A person who violates any of the provisions of this section is guilty of a misdemeanor.

(Added to NRS by [2013, 2288](#))

**NRS 449.6958 Actions contrary to reasonable medical standards not required; mercy-killing, euthanasia or assisted suicide not authorized; rights associated with other advance directives not impaired; right to make decisions concerning emergency care or life-sustaining treatment not affected.** The provisions of [NRS 449.691](#) to [449.697](#), inclusive, do not:

1. Require a provider of health care to take any action contrary to reasonable medical standards;

2. Affect the responsibility of a provider of health care to provide treatment for a patient's comfort or alleviation of pain;
  3. Condone, authorize or approve mercy killing, euthanasia or assisted suicide;
  4. Except as otherwise provided in [NRS 449.6946](#), affect or impair any right created pursuant to the provisions of any other types of advance directives; or
  5. Affect the right of a patient to make decisions concerning the use of emergency care or life-sustaining treatment, if he or she is able to do so.
- (Added to NRS by [2013, 2288](#))

**NRS 449.696 Validity of POLST form executed in another state.**

1. A Physician Order for Life-Sustaining Treatment form executed in another state in compliance with the laws of that state or this State is valid for the purposes of [NRS 449.691](#) to [449.697](#), inclusive.
  2. As used in this section, "state" includes the District of Columbia, the Commonwealth of Puerto Rico and a territory or insular possession subject to the jurisdiction of the United States.
- (Added to NRS by [2013, 2288](#))

**NRS 449.697 Regulations.** The Board may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of [NRS 449.691](#) to [449.697](#), inclusive.

(Added to NRS by [2013, 2288](#))