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Director

State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

October 8, 2008

AFL 08-29

TO: All Health Facilities

SUBJECT: Physician Orders for Life Sustaining Treatment (POLST) Forms

This letter is being sent to notify you of the new provisions established by Assembly Bill 3000, Chapter 266, Statutes of 2008 with regard to the Physician Orders for Life Sustaining Treatment (POLST) form (Section 4780 – 4785 of the Probate Code), effective January 1, 2009.

The POLST form seeks to help patients inform health care providers what life-sustaining medical interventions and care a patient would like to receive if they are frail and elderly or have a compromised medical condition, a prognosis of one year of life, or a terminal illness. It is designed to be an additional helpful statewide mechanism for a patient to disclose his or her wishes about a full range of life sustaining or resuscitative measures including comfort care, full treatment, antibiotics and artificially administered nutrition. It does not affect any of the currently recognized advance health care directives; rather, the POLST form is an immediately actionable physicians order consistent with the patient's wishes or best interest, if wishes are unknown.

The POLST form:

- is a standardized form that is brightly colored and clearly identifiable;
- can be revoked by an individual or their representative at any time;
- is legally sufficient as a physician order and not an advance directive;
- is recognized, adopted and honored across treatment settings;
- provides statutory immunity from criminal prosecution, civil liability, discipline for unprofessional conduct, administrative sanction or any other sanction to a healthcare provider who relies in good faith on the request and honors it;
- allows an individual with capacity to, at any time, request alternative treatment to that treatment that was ordered on the form, and
- does not require health care providers to use a POLST form, but requires that health care providers honor POLST orders.

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As a health care provider, you are required to treat a patient in accordance with the POLST form, unless the physician's order requires medically ineffective health care or health care contrary to generally accepted health care standards. In addition, a physician may conduct an evaluation of the patient and, if possible, in consultation with the patient, or the patient's legally recognized health care decision-maker, issue a new order consistent with the most current information available about the patient's health status and goals of care. The legally recognized health care decision-maker of an individual without capacity shall consult with the physician who is, at that time, the patient's treating physician prior to making a request to modify that individual's POLST form.

If you have questions regarding this issue, please contact Bruce Clark in the Policy Section, at (916) 552-8762.

Sincerely,

Original Signed by Pamela Dickfoss for Kathleen Billingsley, R.N.

Kathleen Billingsley, R.N.
Deputy Director
Center for Healthcare Quality