

Frequently Asked Questions About Physician Order for Scope of Treatment or POST Form

1. How does the Physician Order for Scope of Treatment (POST) form ensure that the patient's wishes are followed?

POST forms are a physician's active order set for the patient's current medical condition, which also include resuscitation and treatment preferences. They help ensure that the wishes of a patient are followed even if the patient lacks capacity to make decisions. Seriously ill or frail patients, especially those whose health care givers would not be surprised if they were to die within a year, are encouraged to complete a POST form. The form takes the patient's wishes and puts them into a physician's order set that can be followed at any Tennessee health care facility as well as by first responders.

2. Who should discuss and complete the POST form with patients?

Any health care professional can assist with the completion of a POST form. In many cases, physicians will initiate conversations with their patients to understand their wishes and goals of care. Depending on the situation and setting, other trained staff members including nurses, social workers, or chaplains may also play a role in the POST conversation and completion of the form. They cannot, however, sign the order.

3. Who can sign the POST? Will an oral order be acceptable?

Physicians sign POST forms. An oral ("verbal") order can be used if the institution's policy allows for them. In 2012 a rule change allows a nurse practitioner (NP), clinical nurse specialist (CNS), or physician assistant (PA) to sign a POST form on discharge or transfer from a hospital or long-term care facility when a physician is not available to sign.

4. Is the patient's signature required on the POST form?

No. The signature of a patient, parent of minor, or surrogate (conservator, power of attorney, agent, or legal representative) is highly recommended but not required by Tennessee law. The law states that a POST order must be signed by a physician for his/her patient with whom he/she has a bona fide physician-patient relationship, but only with the consent of the patient or consent of their surrogate, or other authorized person. A POST form signed by the patient cannot be overruled by the family.

5. Who is responsible to ensure the POST is provided on transfer from one care facility to another? Is a copy as good as the original?

The health care facility initiating transfer must provide the receiving facility a copy of the POST form according to the law. Ambulance services should receive a copy of the POST form if the patient has a DNR order. The ambulance service and receiving facility should honor the POST

that has a physician signature if an emergency situation arises. A copy of the POST form is as good as the original. Several copies should be made available for the receiving facility, transporting entity, as well as patients and families. Repeated behavior of not copying and completing the POST form is a violation of the law and should be reported to the Division of Health Care Facilities, Complaint Section. (Local number 615-741-7221 or toll free number 1-877-287-0010).

6. Are POST forms used differently in a home care, hospice setting or acute hospital setting?

No. Rules and regulations for use of the POST are the same for all licensed facilities in the state. POST forms should also be honored outside of health care facilities.

7. Are there any situations in which a health care provider could honor a POST if the POST has not yet been signed by a physician, but had otherwise been completed by the patient and a nurse?

To honor a POST form it must be signed by the physician, this makes it valid. However, an incomplete POST form may still be useful as an expression of the patient's wishes.

8. Is a POST form legal if signed by a physician that does not have privileges at the facility to which the patient is admitted?

Yes. Properly completed forms are valid at all Tennessee health care facilities. Tennessee Code Annotated Section 68-11-224(e)(1). The law takes into consideration the fact that the patient entering a given facility may have a physician who does not have privileges at that facility.

9. Does a POST form completed at one facility have to be redone when that patient/resident is admitted somewhere else?

No. The POST form does not have to be redone, but it should be reviewed with the patient/resident and/or family for any needed changes. The POST form is valid if signed by a physician. If there are no changes in the plan of care reflected in the current POST, then it should NOT be redone or re-written on transfer. Directions for reviewing the POST are on the back of the form. Please note that family cannot override a valid POST form previously signed by the patient. See below.

10. When should a patient's POST form be reviewed?

It is good clinical practice to review a patient's POST form when any of the following occur:

- The patient is transferred from one medical or residential setting to another;
- There is a significant change in the patient's health status, or there is a new diagnosis;
- The patient's treatment preferences change.

Pursuant to Tennessee Code Annotated § 68-11-224(e)(1) the POST shall remain in effect until revoked or it is physiologically impossible to provide the treatment indicated on the form.

11. Does the POST form replace traditional advance directives?

No. The POST form complements an advance directive (living will, power or attorney, health care agent, etc.), but is not intended to replace that document. An advance directive is still necessary to appoint a legal health care decision maker, and is recommended for all adults, regardless of their health status.

Both POST and advance directives can be completed in advance. Both can contain wishes related to end of life care. If patients do not wish to be resuscitated they must fill out a POST form with their physician. First responders cannot follow end of life wishes contained only in an advance directive like a living will.

12. How should a health care facility handle a conflict between the patient’s instructions via a valid advance directive and the instructions included on a valid POST?

To determine which instruction to follow, the treating physician must look at the date each document was completed. Instructions on the most recent document must be followed if they conflict with an older document. Conflicts may also be resolved by the facility’s ethics committee or administration. This resolution should be documented in the medical record.

13. Can family members, present at the time a patient goes into cardiac arrest, override a POST signed by the patient and a physician that states Do Not Resuscitate?

No. Family members cannot override a POST signed by a patient and physician that states “Do Not Resuscitate.” A POST signed by the patient is documentation of the patient’s wishes.

14. Can an agent/power of attorney/surrogate for health care decisions override the patient’s wishes outlined on a POST which has been signed by the patient and a physician?

No. He/She is legally obligated to follow the patient’s wishes for end-of-life care, if known, and to make decisions in the patient’s best interest. A POST signed by the patient is documentation of the patient’s wishes.