

# Do Not Resuscitate/Do Not Intubate (DNR/DNI) Orders for Children Under Guardianship of the Commissioner Policies and Procedures

## Administrative Rule Authority

Regarding children under guardianship of the commissioner, all consents not specifically delegated to local social service agencies may be issued only by the commissioner of the Minnesota Department of Human Services, pursuant to **Minnesota Rule 9560.0450, Subpart 2**. One consent specifically not delegated to local agencies, and therefore the exclusive purview of the commissioner, is requests that a child not be resuscitated or intubated (**H**).

## Information/Documentation Required as part of the Request for a DNR/DNI Order

To request the commissioner's authorization for a Do Not Resuscitate/Do Not Intubate (DNR/DNI) order, the county social service agency responsible for the care of the child must submit to the Department of Human Services (DHS):

- A letter from the county recommending a DNR/DNI order, including the following information:
  - child's full name and date of birth
  - child's ICWA status
  - date court transferred guardianship of the child to the commissioner
  - brief description of child's background history
  - members of the team that made the decision to recommend a DNR/DNI order
  - reasons why the team determined a DNR/DNI order is in the child's best interests
  - contact information for the child's primary care physician: name, hospital, address, phone number, fax number and email address
  - contact information for the child's attending physician, if different: name, hospital, phone number, fax number and email address
  - responsible county social worker's name, agency, address, phone number, fax number and email address
- A letter from the child's physician recommending a DNR/DNI order, including the following information:
  - child's diagnosis
  - child's current medical condition
  - child's prognosis
  - physician's reason(s) for recommending a DNR/DNI order
- Documentation of the recommendation determined through a bioethics consultation or similar collaborative case consultation, if such a meeting was held
- Letters from others who are involved with the child, such as the guardian ad litem, foster/pre-adoptive parent(s) and the child's attorney, regarding his or her opinion of the county's request for a DNR/DNI order
- A letter from the Tribe, if the child is eligible under the ICWA

**Please note:** If the guardian ad litem, foster/pre-adoptive parent(s), child's attorney or Tribe decline to submit an opinion letter to accompany the county's recommendation, or cannot respond in a short timeframe required to address the child's medical crisis, then the county may instead provide documentation of the written, dated notice given to the party or collateral about the county's request for the commissioner's consent for a DNR/DNI order. The notice must include an invitation for the party or collateral to submit his or her opinion of the county's request directly to DHS and should clarify the very short timeframe allowed for response, given the emergency nature of the request.

## **Review and Response Process**

The DHS staff coordinating the DNR/DNI request will forward the county's packet, including all supporting documentation, to the state medical director for review and consultation. The state medical director will send a response to the DHS coordinator either concurring or not concurring with the request for the DNR/DNI order. If necessary, the state medical director will contact the child's physician for additional information or clarification prior to responding.

A DHS staff delegated to respond on behalf of the commissioner to this non-delegated consent will send a letter to the county social worker either approving or denying the request for a DNR/DNI order. In time sensitive situations, DHS staff may also send the response letter via fax to the county social worker and/or the child's physician. DHS staff will make every effort to respond to a DNR/DNI request within 48 hours of receipt.

## **Limitations and Period of Validity on a DNR/DNI Order**

**DNR/DNI orders are intended to address imminent medical crises, not to provide a long-term response for a child's chronic illness.** If the DNR/DNI order is authorized, it is valid for 30 days from the date of the approval letter. In order to request an extension, the county must submit another packet to DHS recommending continuation of the DNR/DNI order. The recommendation packet must include an updated letter from the child's physician documenting the current status of the child's medical condition, prognosis and continuing recommendation for a DNR/DNI order. If an extension is approved, it is valid for 30 days. If there is continued recommendation for a DNR/DNI order, the extension process will need to be repeated every 30 days.

## **Manual Reference**

The Social Services Manual outlines the procedures for DNR/DNI requests and is available online:

[http://www.dhs.state.mn.us/main/groups/county\\_access/documents/pub/dhs\\_id\\_018759.pdf](http://www.dhs.state.mn.us/main/groups/county_access/documents/pub/dhs_id_018759.pdf).

The specific section that addresses DNR/DNI orders is 3254.01.

## **DHS Adoption and Permanency Policy Specialist for Children Under State Guardianship**

Consultation on DNR/DNI issues and requests for the commissioner's consent for DNR/DNI orders should be directed to:

Melissa Sherlock  
Adoption and Permanency Policy Specialist  
Minnesota Department of Human Services  
P.O. Box 64944  
St. Paul, MN 55164-0944  
Direct Phone: 651-431-4711  
Unit Receptionist: 651-431-4682  
Fax\*: 651-431-7491  
Email\*: [melissa.sherlock@state.mn.us](mailto:melissa.sherlock@state.mn.us)

\* In order to facilitate a timely response to a DNR/DNI request, the department recommends either faxing or emailing required documents. Please follow-up a fax or email with a phone call to Melissa Sherlock to alert her that a DNR/DNI request has been submitted. If you receive Ms. Sherlock's voice mail, please contact the unit receptionist at the phone number above to inform her that you are calling about a DNR/DNI order. The unit receptionist will either get an immediate message to Ms. Sherlock or will redirect you to another DHS staff, if Ms. Sherlock will be unavailable for more than one day.