

The district has a statutory duty to protect the health of all students enrolled in district schools. Medical personnel who are employed by the district or whose medical services are contracted by the district also have statutory duties to adhere to certain protocols. Based upon these statutory duties, the district's medical personnel or health care providers will honor a student's written "consent to treatment" which may include refusal to consent to treatment and/or consent to withholding or withdrawal of health care services.

In the event an advance care planning document, as defined herein, relating to a student contains a refusal to consent or a withdrawal of treatment and is presented to district personnel by the student or his or her parent/guardian, a copy of the document(s) will be placed in the student's educational record. Nursing staff will also be notified and provided a copy of such document(s). The individual presenting the document(s) will be informed of this policy.

In the event emergency medical services personnel are called by district staff to assist a student, district personnel knowledgeable of an advance care planning document, DNR, POST identification device, or other advance directive, or a written consent to treatment, will make a reasonable effort to inform the medical services personnel of such document. Emergency medical services personnel have statutory authority to follow the document. Medical personnel or health care providers employed or contracted by the district or contracted to provide medical services, if on site at the time of a medical emergency, will comply with the advance care planning document, DNR, POST identification device, or consent to treatment presented to the district, and will provide comfort care.

There is a presumption in favor of consent to cardiopulmonary resuscitation (CPR) unless:

1. CPR is contrary to the student's advance planning care document; or
2. The student's surrogate decision-maker has communicated the student's unconditional wishes not to receive CPR; or
3. The student's surrogate decision-maker has communicated the student's conditional wishes not to receive CPR and those conditions have been met; or
4. The student has a proper POST identification device pursuant to Idaho Code §39-4502;  
or
5. The licensed independent practitioner has executed a DNR order.

Nonbeneficial medical treatment is not required, provided that violation of Idaho Code §39-4514(3) is prohibited.

No licensed independent practitioner, emergency medical services personnel, other health care provider, facility, or individual employed by, acting as the agent of, or under contract with any

such health care provider of facility shall be civilly or criminally liable or subject to discipline for unprofessional conduct for acts or omissions carried out or performed in good faith pursuant to the directives in a facially valid advance care planning document, DNR order, or other health care directive, or pursuant to a POST identification device as provided for in Idaho Code §39-4512A.

## **DEFINITIONS**

“Advance care planning document,” “advance directive,” “directive”, or “health care directive” (referred to herein as “advance care planning document”) means a document that: (a) substantially meets the requirements of Idaho Code §39-4510(1); (b) is a POST form; or (c) is another document that represents a competent person’s authentic expression of such person’s wishes concerning health care services.

“Cardiopulmonary resuscitation” or “CPR” means measures to restore cardiac function and/or support ventilation in the event of cardiac or respiratory arrest.

“Comfort care” means treatment that may include oxygen and medicine to relieve pain and symptoms but does not include artificial life support, artificial hydration, and artificial nutrition. Comfort care may be provided in any setting.

“Emergency medical services personnel” means personnel engaged in providing initial emergency medical assistance, including, but not limited to, first responders, emergency medical technicians, and paramedics.

“Health care provider” means any person or entity licensed, certified, or otherwise authorized by law to administer health care services in the ordinary course of business or practice of a profession, including emergency or other medical services personnel.

“Health care services” means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease. Health care services may include hospital, medical, dental, surgical, or other services.

“Licensed independent practitioner” means: (a) an individual licensed as a physician or physician’s assistant pursuant to chapter 18, title 54, Idaho Code; or (b) a person licensed as an advanced practice registered nurse pursuant to chapter 14, title 54, Idaho Code.

“Non-beneficial medical treatment” means treatment: (a) for a patient whose death, according to the reasonable medical judgment of a licensed independent practitioner, is imminent within hours or a few days regardless of whether the treatment is provided; or (b) that, according to the reasonable medical judgment of a licensed independent practitioner, will not benefit the patient’s condition.

“Persistent vegetative state” means a condition in which a patient: (a) is in a state of partial arousal rather than true awareness; (b) is completely unresponsive to psychological or physical stimuli; and (c) displays no sign of higher brain function.

“Physician orders for scope of treatment (POST) form” means a form that satisfies the requirements of Idaho Code §39-4512A.

“Physician orders for scope of treatment (POST) identification device” means jewelry worn around the wrist, neck, or ankle representing that the wearer has a POST form complying with Idaho Code §39-4512A, and that such person has chosen “Do not resuscitate: Allow Natural Death (no Code/DNR/DNAR): No CPR or advanced cardiac life support interventions” or the equivalent choice.

“Surrogate decision-maker” means the person authorized to consent to or refuse health care services for another person as specified in Idaho Code §39-4504(1).



**LEGAL REFERENCE:**

Idaho Code Sections

33-512(4) – Governance of Schools (Health and Morals of Students)

39-4501 through 39-4515 – The Medical Consent and Natural Death Act

*Czaplicki v. Gooding Joint School District No. 231*, 775 P.2d 640 (1989)

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