

COMPARISON OF INDIANA LIVING WILL, OUT OF HOSPITAL DO NOT RESUSCITATE ORDER, AND PHYSICIANS ORDERS FOR SCOPE OF TREATMENT

	LIVING WILL	OUT OF HOSPITAL DO NOT RESUSCITATE ORDER (OHDNR)	PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (POST)
When is document used to guide care?	In the event the person develops an “incurable injury, disease, or illness determined to be a terminal condition,” and is unable to express directions for his or her care	When a person outside an acute care hospital experiences cardiac or pulmonary failure.	The Physician Orders for Scope of Treatment (POST) guides treatment from the moment it is signed by a physician, advance practice nurse, or physician assistant.
What are requirements for executing?	18 years of age and of sound mind.	18 or older, of sound mind, and certified by his or her physician as having a terminal condition or a condition in which survival of cardiac / pulmonary failure is unlikely.	Person has an advanced chronic progressive disease, frailty, terminal condition, or condition in which survival of cardiac / pulmonary failure is unlikely.
What is required to be valid?	Form meets statutory requirements and signed by declarant and two witnesses	Form meets statutory requirements and signed by declarant, two witnesses, and a physician.	Form meets statutory requirements and signed by the patient / representative in Section E and the physician / advance practice nurse / physician assistant in Section F.
Can Emergency Medical Services (EMS) honor?	Essentially no.	Yes, EMS can and should honor the Out of Hospital Do Not Resuscitate Order (OHDNR).	All health care providers, including EMS, can and should honor the Physician Orders for Scope of Treatment (POST).
How can it be revoked?	The declarant may revoke the Living Will, OHDNR, or POST orally, in writing, or by destruction of the document.		
Can a healthcare representative revoke?	No.	ONLY IF the declarant is incompetent to make health care decisions.	
Is there statutory protection for healthcare workers?	The statute provides immunity to health care providers who withhold care pursuant to the wishes of the patient as expressed in a living will.	The statute provides liability protection as long as a health care provider acts in good faith and in accordance with “reasonable medical standards.”	The statute protects health care providers when they act in good faith to honor the orders. It allows a health care provider to choose not to honor the orders if the provider believes: the form is invalid; the form has been revoked; the declarant or his/her representative have requested alternative treatment; the orders would be medically inappropriate for the patient; or the orders conflict with the care provider’s religious or moral beliefs.