

One of the most common questions asked by my clients is the difference between a Do Not Resuscitate Order (DNR) and a Durable Power of Attorney (DPOA). Each of these documents are important and advise of the person's direction and decision maker when that person is unable to speak for themselves.

A DNR is a form developed by the Florida Department of Health which are usually used by an individual who is experiencing a terminal illness, end stage condition or who is in persistent vegetative state.

A DNR is obtained by your physician and serves as an order that you do not wish to be resuscitated in the event of respiratory or cardiac arrest. The DNR is part of your physician plan for treatment and is signed by your doctor and the patient. Your doctor will review with you the document and you can assess with him if a DNR should be included as part of your treatment plan.

Many people believe an attorney can prepare and provide this document. This is not accurate as your attorney can advise you as to its legal consequences and effect and also may suggest you discuss with your doctor if a DNR is the right choice for you. However, the document is signed by your doctor and may be used in very specific circumstances and health care settings. Florida law has very specific legal requirements as to the DNR form including the color of the paper. There is no statutory requirement as to where the DNR form is kept; however, many clients keep the executed form on their refrigerator or wall by their bed as EMS providers are trained to look in those areas if they are called to an emergency situation.

A Durable Power of Attorney is a separate document and used by a person to nominate someone to serve as their agent to make legal and financial decisions for them when that person is unable to do so. Unlike the DNR which is displayed in public place, a DPOA should be safely secured in a private storage space as it is a very encompassing document and is usually used in the event of an emergency situation or under direction you and unlike a DNR, your doctor does not sign the DPOA.

Attorney Peggy Clarie Senentz or any of our attorneys at Clarie Law Offices, P.A. at both our South Pasadena and Tampa, FL branches are happy to meet with you to review further questions and determine if you would benefit from either a DPOA or DNR or both.