



November 14, 2012

Medical Orders for Life-Sustaining Treatments (MOSLT) Form

Dear Health Care Provider:

The State of Delaware, Division of Public Health, requests that all healthcare workers refrain from further use of the Medical Orders for Life-Sustaining Treatments (MOLST) form. It has been determined that healthcare providers are using the MOLST form beyond the legal parameters set forth in regulation 4304, issued by the Delaware Division of Public Health.

The Division of Public Health regulates Emergency Medical Service (EMS) providers. In accordance with 16 Del.C. Chapter 97, the enabling legislation for emergency medical providers, pre-hospital advanced care directives procedures may be used for terminally ill patients **only**. Regulation 4304 does not apply to other health care providers, nor does it replace an Advance Health Care Directive which is authorized by 16 Del.C. Chapter 25. There have been reports of facilities and healthcare providers completing "MOLST" forms on patients who have not been determined to be terminally ill.

The term MOLST is generally applied to an end-of-life document, which is intended to be portable and can be relied upon by any health care provider. The current MOLST form associated with regulation 4304, entitled "STATE OF DELAWARE MOLST FORM" has contributed to this confusion. The Division of Public Health is working to repeal and replace regulation 4304 and the current State of Delaware MOLST form with a document that will better reflect both 16 Del.C. Chapters 25 and 97, and will enable the terminally ill patient the ability to have their end of life care documented in a way that all EMS providers may honor.

In the interim, the Division of Public Health, Office of Emergency Medical Services, has instructed all EMS providers to contact an EMS medical control physician if presented with a MOLST form for medical direction, if a patient is in extremis. EMS providers will also request any additional documentation in regards to advanced care directives, such as DNRs or other applicable documents to aid the medical control physician in providing the medical orders

I am, therefore, asking **all healthcare providers to please discontinue any use of the STATE OF DELAWARE MOLST form.** Those individuals who have already participated in the preparation of a MOLST form, whether signed by a Physician, Advance Practice Nurse or Physician Assistant, are encouraged to complete an Advanced Care Directive with their medical provider to ensure that their end-of-life wishes are properly recorded.

The future development of any additional process for recording end-of-life decisions in the State of Delaware requires further study and legislation. If you have any questions or need additional information, please contact Diane Hainsworth or Jeremy Goldman, Division of Public Health, Office of Emergency Medical Services at (302) 223-1350.

Sincerely,

A handwritten signature in black ink, appearing to read "Karyl T. Rattay, MD, MS".

Karyl T. Rattay, MD, MS
Director