



Do Not Resuscitate (DNR) Orders
103 DOC 621

Effective Date: January 16, 2026

Review Date: June 8, 2026

Table of Contents

621.01	Purpose.....	1
621.02	Cancellation.....	1
621.03	Severability Clause.....	1
621.04	Policy Statement.....	1
621.05	Definitions.....	2
621.06	Establishing a Do Not Resuscitate (DNR) Order for Terminally Ill Individuals.....	2
621.07	Documentation for a Terminal Case.....	3
621.08	Duration of a DNR Order.....	4
621.09	Training Regarding DNR Orders.....	4
621.10	Security.....	4
621.11	Responsible Staff.....	5
621.12	Access to Policy.....	5
621.13	Information Sources.....	5

621.01 Purpose

To establish Department of Correction (Department) policy concerning informed end of life decisions and the appropriate use of Do Not Resuscitate Orders for incarcerated or civilly committed individuals with terminal medical conditions.

621.02 Cancellation

103 DOC 621 cancels all previous Department policies, statements, bulletins, directives, orders, notices, rules or regulations regarding the Department’s philosophy and goals, which are inconsistent with this policy.

621.03 Severability Clause

If any part of 103 DOC 621 is for any reason held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.

621.04 Policy Statement

The Massachusetts Department of Correction is dedicated to treating incarcerated and civilly committed individuals humanely and in accordance with community standards of

end-of-life care. The Department shall provide resuscitative measures as deemed medically necessary, except when any competent incarcerated or civilly committed individual has requested and completed a Do Not Resuscitate (DNR) Order after the diagnosis of a terminal condition and consultation with the treating physician. The DNR Order shall be included in the incarcerated or civilly committed individual's medical record. A DNR Order shall be consistent with sound medical practice and shall not in any way be associated with assisting suicide, voluntary euthanasia, or expediting the death of an incarcerated or civilly committed individual.

621.05 Definitions

Do Not Resuscitate (DNR) Order: A written order which authorizes medical personal to withhold cardiopulmonary resuscitation, including artificial respiration and defibrillation, from a particular incarcerated or civilly committed individual in the event of cardiac or respiratory arrest. Such an order does not authorize the withholding of other medical interventions such as intravenous fluids, oxygen, or other therapies deemed necessary to provide appropriate therapeutic or palliative care.

Informed Consent: The agreement by a patient to a treatment, examination or procedure after the patient receives the material facts regarding the nature, consequences, risks, and alternatives concerning the proposed treatment, examination, or procedure.

Terminal Condition: A condition caused by injury, disease, or illness from which, to a reasonable degree of medical probability, there can be no recovery and death is impending or imminent (death can be expected within one (1) year).

Competent Patient: A patient who has capacity, based on reasonable medical judgment, to understand and appreciate the nature and consequences of a medical treatment decision, including the significant benefits and harms of the decision, and the reasonable alternatives to the proposed decision.

621.06 Establishing A Do Not Resuscitate (DNR) Order For Terminally Ill Individuals

A DNR Order may be entered by the physician for a competent patient under the following circumstances:

- A. The incarcerated or civilly committed individual is suffering from a terminal condition that has been identified and confirmed by two (2) physicians.
- B. The incarcerated or civilly committed individual must be provided with written documentation of the terminal nature of the condition.
- C. The incarcerated or civilly committed individual and physician shall engage in a thorough discussion about the nature of the incarcerated or civilly committed

individual's underlying terminal condition/illness, current health status, available treatment options and probable outcomes.

- D. The option of a DNR Order will be discussed, including the foreseeable risks and benefits of CPR, and the consequences of a DNR order. The physician should discuss other medical interventions deemed medically necessary to provide comfort care or to alleviate pain.
- E. The incarcerated or civilly committed individual will be able to demonstrate sufficient understanding of the consequences of withholding Cardiopulmonary Resuscitation, as well as reasonable alternatives to such an order.
- F. The terminally ill incarcerated or civilly committed individual and the physician will complete and sign the DNR form. The document will be witnessed by two (2) staff persons over the age of eighteen (18). A currently incarcerated offender may NOT act as a witness. The original DNR form will be maintained in the medical record.

621.07 Documentation for a Terminal Case

- A. A DNR Order shall be entered in writing in the incarcerated or civilly committed individual's medical record by the responsible physician who participates in the DNR decision making process. In addition, the physician must write a progress note to the effect that cardiopulmonary resuscitation will not be initiated. The entry in the progress note shall state:
 - 1. Diagnosis; nature of incarcerated or civilly committed individual's illness; and identification of two (2) confirming physicians.
 - 2. Prognosis; risks and benefits of the proposed treatment plan and alternatives.
 - 3. Explanation of the circumstances and basis for the DNR decision including a clinical evaluation of the patient's capacity to make informed decisions about end-of-life care.
 - 4. Consensual decisions and recommendations of the medical staff and consultants.
- B. The original, validly executed DNR form will be placed in the incarcerated or civilly committed individual's medical record. Additionally, the responsible physician and incarcerated or civilly committed individual shall complete the Massachusetts Department of Public Health, Office of Emergency Services, [Comfort Care/Do Not Resuscitate \(DNR\) Order Verification](#) form. This form will be placed in the incarcerated or civilly committed individual's medical record in an easily identifiable manner so that all healthcare staff are aware of the incarcerated or civilly committed individual's decision.
- C. Should a terminally ill incarcerated or civilly committed individual be transferred to another correctional institution, the original DNR Order should be forwarded in the

medical record. In the case of a transfer to an outside medical facility, the DNR Order should be placed in an envelope and sent with the Mittimus, and a copy should accompany the incarcerated or civilly committed individual so that the attending physician is aware of the patient's order.

621.08 Duration of a DNR Order

- A. DNR Orders will be discussed and reviewed with the incarcerated or civilly committed individual periodically and renewed or changed to reflect the decision of the incarcerated or civilly committed individual. If there are any changes requested, a new DNR form will be executed.
- B. DNR Orders may be revoked by the incarcerated or civilly committed individual at any time. The incarcerated or civilly committed individual may verbally request CPR or other resuscitation measures and void their signed DNR Order. At the time of withdrawal of the order, the original order will be immediately removed from the medical record, and medical staff will be informed of the change. A progress note citing the revocation will also be included in the medical record.
- C. A DNR Order completed in an emergency situation outside of a Department of Correction institution shall not be honored once the emergency situation resolves, and the incarcerated or civilly committed individual returns to a Department of Correction institution. If a DNR Order is deemed medically appropriate at that time, establishing a DNR Order per 103 DOC 621, *Do Not Resuscitate (DNR) Orders*, section 621.03 will commence.

621.09 Training Regarding DNR Orders

The contracted medical provider will provide an educational program to all members of the medical and nursing staff outlining the rights of terminally ill incarcerated or civilly committed individuals to refuse resuscitation in the case of cardiac or respiratory arrest. The training should include the policy of initiation and continuation of a DNR order, as well as the ability to revoke said order at any time. Training specific to the documentation of a DNR order should be provided to primary care providers with whom incarcerated or civilly committed individuals will make such a determination.

621.10 Security

Each Superintendent shall be made aware of the incarcerated or civilly committed individuals completed and valid DNR Order. Superintendents may request a review by the Department's Health Services Division of the DNR Order if they believe that it will jeopardize institutional security.

Department of Correction personnel and contracted medical providers who comply with a DNR Order are not subject to any criminal or civil liability for actions taken reasonably and in good faith in conjunction with compliance. Conversely, Department of Correctional

personnel who determine for security reasons in a code response to utilize CPR due to safety concerns and/or institutional climate may disregard the order due to objections of others at the scene that make physical confrontation likely.

621.11 Responsible Staff

Reviewing Authority: Deputy Commissioner, Clinical Services and Reentry

Responsible Staff:

- Commissioner
- Assistant Deputy Commissioner, Clinical Services
- Superintendents

621.12 Access to Policy

Department Central Policy File

Each Institution's Policy File

Institution Library

621.13 Information Sources

Legal Authority:

[MGL c. 124 §1\(c\)\(q\)](#)

[MGL c. 38 §§3, 5, 6](#)

[MGL c.40 §36A](#)

[MGL c. 127 §117](#)

Other Related Policies:

[103 DOC 652, Identification, Treatment and Correctional Management of Individuals Diagnosed with Gender Dysphoria](#)

Applicability: All Staff

Attachments:

[Comfort Care / Do Not Resuscitate \("DNR"\) Order Verification](#)