Checklist #1 Adult Patients with Medical Decision-Making Capacity (Any Setting)

Complete each step and check the appropriate lines as indicated.

Step 1: Assess health status and prognosis.

Step 2: Check all advance directives known to have been completed.

___ Health Care Proxy ___ Living Will ___ Organ Donation ___ Documentation of Oral Advance Directive

Step 3: If there is no health care proxy, assess capacity to complete a health care proxy.

Any patient should be counseled to complete a health care proxy, if he/she has not already completed one.

Document the result of patient counseling, if applicable. Check one:

___ Patient retains the capacity to choose a health care agent and completes a health care proxy.
___ Patient retains the capacity to choose a health care agent, but chooses not to complete a health care proxy.

Step 4: Determine the patient’s medical decision-making capacity. Check one:

___ Patient has the ability to understand and appreciate the nature and consequences of DNR and Life-Sustaining Treatment orders, including the benefits and burdens of, and alternatives to, such orders, and to reach an informed decision regarding the orders.

(If the patient lacks medical decision-making capacity, go to Step 7 and select the appropriate checklist)

Step 5: Identify the decision-maker.

___ Patient is the decision-maker

Step 6: Document where the MOLST form is being completed. Check one:

___ Hospital (see Glossary for definition, includes hospice, regardless of setting)
___ Nursing Home (see Glossary for definition)
___ Community (see Glossary for definition)

Step 7: Be sure you have selected the appropriate legal requirements checklist, based on who makes the decision and the setting. Check one:

This is Checklist #1 (for patients who have medical decision-making capacity). If this is the appropriate checklist, proceed to Step 8 below. If this is the wrong checklist, stop filling out this checklist; find and complete the correct checklist. All checklists can be found on the Department of Health’s website at https://www.health.ny.gov/professionals/patients/patient_rights/molst/.

___ Checklist #1 - Adult patients with medical decision-making capacity (any setting)
___ Checklist #2 - Adult patients without medical decision-making capacity who have a health care proxy (any setting)
Checklist #3 - Adult hospital, hospice or nursing home patients without medical decision-making capacity who do not have a health care proxy, and decision-maker is Public Health Law Surrogate (surrogate selected from the surrogate list)

Checklist #4 - Adult hospital, hospice or nursing home patients without medical decision-making capacity who do not have a health care proxy and for whom no surrogate from the surrogate list is available

Checklist #5 - Adult patients without medical decision-making capacity who do not have a health care proxy, and MOLST form is being completed in the community

Step 8: Discuss goals for care with the patient.

Step 9: Patient has given informed consent.

Patient has been fully informed about his or her medical condition and the risks, benefits and burdens of, and alternatives to, possible life-sustaining treatment. Patient has consented to the withholding, withdrawal or delivery of certain life-sustaining treatment, for which medical orders are written.

Step 10: Witness requirements are met. Check one:

Two witnesses are always recommended. The physician or nurse practitioner who signs the orders may be a witness. To document that the attending physician or nurse practitioner witnessed the consent, the attending physician or nurse practitioner just needs to sign the order and print his/her name as a witness. Witness signatures are not required – printing the witnesses’ names is sufficient.

Patient consented in writing.

Patient is in a hospital or nursing home, the patient consented verbally, and two witnesses 18 years of age or older (at least one of whom is a health or social services practitioner affiliated with the hospital or nursing home) witnessed the consent.

Patient is in the community, patient consented verbally, and the attending physician or nurse practitioner witnessed the consent.

Step 11: Physician or nurse practitioner signature

The attending physician or nurse practitioner signed the MOLST form.

Step 12: Notify director of correctional facility.

For adult patients who are inmates in, or are transferred from, a correctional facility, the attending physician or nurse practitioner has notified the director of the correctional facility of the determination that the inmate has medical decision-making capacity and that the inmate has MOLST orders.