

## Decision-Makers and the Authority to Consent to a DNR Order

Reviewed 04/2026

Who can request a DNR order? What is the process? The purpose of this publication is to answer these questions and clarify the current law on this subject.<sup>1</sup>

Please note that this publication is provided for educational purposes only and is not intended to be used as legal advice. Application of the law depends upon individual facts and circumstances. In addition, statutes, regulations and case law are subject to change without notice. Consult a legal professional for assistance with individual legal issues.

### I. What is a DNR order?

A do-not-resuscitate order (DNR) is a written order that directs emergency medical personnel not to attempt cardiopulmonary resuscitation on a person for whom the order is issued if that person suffers cardiac or respiratory arrest. It must be issued by an attending health care professional (a physician, physician assistant, or nurse practitioner). Wis. Stats. §§ 154.19(1); 154.01(3). A patient must be a “qualified patient” (defined below) to request a DNR order under this chapter.

DNR orders created under this chapter are also called “community” DNRs since they are intended as instructions for emergency medical personnel in an outpatient or community setting. They are different from inpatient code status orders, which typically only apply while the individual is hospitalized, and which are guided by medical best practices rather than state law.

Health care POA (HCPOA) or Living Will documents that contain end-of-life wishes are not the same as an official DNR order, although they may allow the individual to indicate their wishes and provide guidance to a health care agent or guardian in the future.

The desire of a patient to be resuscitated always supersedes a DNR. A patient may revoke their DNR at any time. Wis. Stats. §§ 154.21, 154.25(6m).

### II. What does “qualified patient” mean?

A “qualified patient” is a person who has attained the age of 18 who meets any of the following

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<sup>1</sup> This publication is specific to DNR orders. For information regarding guardians and end-of-life care, you may wish to read the GSC publication entitled, “[May a Guardian Consent to the Withholding or Withdrawal of Life-Sustaining Medical Treatment from Her or His Ward?](#)”

criteria:

- a) They have a terminal condition;
- b) They have a medical condition that could make resuscitation efforts unsuccessful or repeated cardiac or pulmonary failure would occur before death; or
- c) They have a condition where resuscitation could cause significant physical pain or harm that would outweigh the possibility that resuscitation would restore function for an indefinite period of time.

See [Wis. Stat. § 154.17\(4\)](#).

### III. What is the process to request a DNR order?

For a DNR to be valid, the following criteria and procedures must be met:

- 1) The person subject to the DNR must be a qualified patient.
- 2) The qualified patient, guardian, or health care agent must request the DNR order.
- 3) An attending health care professional provides written information about resuscitation procedures and the methods by which the patient may revoke the DNR order.
- 4) The patient, guardian, or health care agent consents to the order after receiving the written information.
- 5) The DNR order must be in writing and signed by the patient, guardian, or health care agent.
- 6) The health care professional does not know the patient to be pregnant.
- 7) After providing the required information, the attending health care professional must issue and document the DNR order in the patient's medical record and either affix a DNR bracelet to their wrist or provide a form so the patient may order a bracelet from a commercial vendor.

See [Wis. Stat. § 154.19](#).

### IV. Can a Health Care Agent or a Guardian of the Person Provide Consent to a DNR?

Yes, Wisconsin statute allows a guardian of the person or a health care agent to consent to a DNR order. [Wis. Stat. § 154.225\(2\)](#).

#### a. **A DNR Order and a Health Care Agent**

A health care agent must follow the principal's wishes as expressed at any time. [Wis. Stat. § 155.20\(5\)](#). If the HCPOA document explicitly states that the principal does not want a DNR order, or if the principal expresses that they do not want the order, the agent may not consent to one. If there is no specific directive by the principal or the principal's desires are unknown, the

health care agent must act in the best interests of the principal when exercising their authority.

Agents and professionals working with individuals with HCPOAs must be aware that the individual retains the right to change their wishes, withdraw the agent's authority, and revoke the HCPOA at any time. See [Wis. Stat. §§ 155.20\(5\)](#) and [155.40](#).

#### **b. A DNR Order and a Guardian of the Person**

A guardian of the person has the authority to make health care decisions for the ward, including consenting to a do-not-resuscitate order. However, a guardian must endeavor to secure any necessary care or services for the ward that are in the ward's best interests, including inquiring into the risks and benefits of, and alternatives to, treatment for the ward, particularly if drastic or restrictive treatment is proposed. They must also consult with health care and treatment providers in making all necessary treatment decisions. [Wis. Stat. § 54.25\(1\)\(b\)](#).

Additionally, when making certain decisions, the guardian should "place the least possible restriction on the individual's personal liberty and exercise of constitutional and statutory rights" and "make diligent efforts to identify and honor the individual's preferences." [Wis. Stat. § 54.25\(2\)\(d\)3.a](#).

#### **V. Can a Guardian or Health Care Agent revoke a DNR?**

Yes, Wisconsin statute allows a guardian or health care agent to revoke a DNR by giving direction to resuscitate the patient; by defacing, burning, cutting, or destroying the DNR bracelet; or by removing the bracelet. [Wis. Stat. § 154.225\(2\)](#). In the event the guardian directs emergency medical providers to resuscitate the patient, the emergency medical provider shall remove the DNR bracelet.

Health care agents must still follow the wishes of the individual, however. If the individual has previously requested a DNR order and has not expressed a wish to revoke it, the health care agent may not revoke it against the individual's wishes.

#### **VI. Can someone wear a necklace or pin instead of a bracelet?**

No. The statutes very clearly specify the DNR must be indicated by either a plastic bracelet that the hospital provides or a metal bracelet that can be ordered through an approved vendor. In Wisconsin, the approved vendor is StickyJ® Medical Device. An intact DNR bracelet will be presumed to be valid. [Wis. Stat. § 154.25\(6\)](#). More information on ordering can be found at the DHS website here: <https://www.dhs.wisconsin.gov/ems/dnr.htm>.

#### **VII. Can health care facilities or insurers require someone to have a DNR?**

No. No person may be required to request or have a DNR order as a condition prior to being admitted to a health care facility or being insured for, or receiving, health care services. [Wis. Stat. § 154.25\(3\)](#).