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**INDEPENDENT REGULATORY REVIEW COMMISSION  
COMMONWEALTH OF PENNSYLVANIA  
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January 8, 2004

Honorable Calvin B. Johnson, M.D., M.P.H., Secretary  
Department of Health  
802 Health and Welfare Building  
Harrisburg, PA 17108

Re: Regulation #10-174 (IRRC #2355)  
Department of Health  
Out-of-Hospital Do-Not-Resuscitate Orders

Dear Secretary Johnson:

The Independent Regulatory Review Commission approved the subject regulation today. Our Order is enclosed and will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

Robert E. Nyce  
Executive Director

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Enclosure

cc: Honorable Harold F. Mowery, Jr., Chairman, Senate Public Health and Welfare Committee  
Honorable Vincent J. Hughes, Minority Chairman, Senate Public Health and Welfare Committee  
Honorable George T. Kenney, Jr., Majority Chairman, House Health and Human Services Committee  
Honorable Frank L. Oliver, Democratic Chairman, House Health and Human Services Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION  
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held January 8, 2004

John R. McGinley, Jr., Esq., Chairman, by Phone  
Alvin C. Bush, Vice Chairman, by Phone  
Daniel F. Clark, Esq.  
Arthur Coccodrilli  
Murray Ufberg, Esq.

Regulation No. 10-174  
Department of Health  
Out-of-Hospital Do-Not-Resuscitate Orders

On August 26, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapters 1001, 1003, 1005, 1007 and 1051. The proposed regulation was published in the September 6, 2003 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on December 5, 2003.

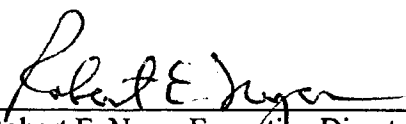
This regulation implements Act 59 of 2002 which amended the Advance Directive for Health Care Act to instruct emergency medical services providers to follow procedures for implementing an out-of-hospital do-not-resuscitate (DNR) order. An out-of-hospital DNR order issued under Act 59 directs that cardiopulmonary resuscitation will not be provided to an eligible patient who goes into cardiac or respiratory arrest. This regulation will replace the interim regulation the Department established under Act 59.

We have determined this regulation is consistent with the statutory authority of the Department (Act 59 of 2002, Section 6) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

**BY ORDER OF THE COMMISSION:**

This regulation is approved.



  
Robert E. Nyce, Executive Director