

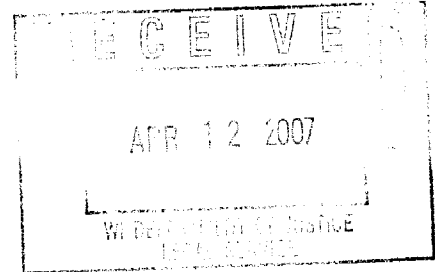


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April 10, 2007



Honorable J. B. VanHollen
Attorney General
Wisconsin Department of Justice
P. O. Box 7857
Madison, Wisconsin 53707-7857

RE: Responsibility of Jail Staff to Respect a Do Not Resuscitate Order

Dear Mr. VanHollen:

I am requesting an opinion from your office regarding the responsibility of staff at a county jail facility to respect a "do not resuscitate order." I have researched this issue and enclosed what I could find. This is a novel question, as such the answers vary among the counties and state agencies. This is an issue that will become more prominent in the future as our jail population ages and the use of such directives becomes more widespread. It was my opinion that our jail staff are not medical personnel subject to following the directives of a do not resuscitate order. There is also some concern about our liability in doing so if we are not sure of the cause of the prisoner's distress. The cause of the prisoner's distress could be something other than for which the do not resuscitate order is in place, how do we respond? Also, if we do not obey the do not resuscitate order, we could have some problems. In any event my opinion is that following the definition of who are appropriate medical personnel required to honor such orders that our jail staff would not be required to do so. I base that on my analysis of the statutes and Administrative Code. I did not find any decisions at least in Wisconsin, I did not look out of state, that relate directly to that issue.

I believe this is an issue that is of statewide concern and therefore I would appreciate your Department's analysis of this question and your opinion as to what appropriate requirements are in this situation.

Sincerely,

DENNIS E. KENEALY
Corporation Counsel

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Enclosures

c w/o encls: Captain Ebert

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