

ADVANCE DIRECTIVES

ADVANCE DIRECTIVES

- ◉ What are they?
- ◉ What do they do?
- ◉ Who needs one?

WHAT ARE ADVANCE DIRECTIVES?

“Advance Directive” is a general term for any legal document dealing with health care decision making, such as a:

- Medical Power of Attorney
 - Sometimes called a Health Care Proxy
- Directive to Physicians and Family or Surrogate
 - Sometimes called a Living Will
- Out-of-Hospital Do Not Resuscitate Order
 - Often referred to as a DNR
- ◆ HIPAA Authorization

MEDICAL POWER OF ATTORNEY

- ◆ Allows you to name person to make health care decisions for you if you can't (called your “agent”)
- ◆ Becomes effective only when your doctor says you can't understand and cannot make decisions for yourself
- ◆ Unless that happens, no one can make decisions for you.

DIRECTIVE TO PHYSICIANS AND FAMILY OR SURROGATES

- ◉ Allows you to tell the world what kind of care you want if you are **terminally ill** or in an **irreversible condition**
 - **Terminal** - incurable condition that will produce death within six months, even with life-sustaining treatment
 - **Irreversible** - condition that can be treated but never cured; is fatal without life-sustaining treatment

DNR

- ◉ You do not have to be terminally ill to have a DNR
- ◉ You must use the state form
- ◉ A doctor must sign it

HIPAA AUTHORIZATION

- ◆ HIPAA stands for the “Health Insurance Portability and Accountability Act”
- ◆ Allows you to designate others with whom the medical provider may share information about you
- ◆ Medical providers are sometimes reluctant to disclose information for fear of violating HIPAA

WHO NEEDS ADVANCE DIRECTIVES?

Everyone

WHAT HAPPENS IF YOU DON'T HAVE A MEDICAL POWER OF ATTORNEY?

- ⦿ Consent to Medical Treatment Act
- ⦿ Health care provider may look to one of the following (in order of priority)
 - Spouse
 - Adult child with permission of others
 - Majority of reasonably available adult children
 - Parents
 - Nearest living relative, member of clergy

WHAT HAPPENS IF YOU DON'T HAVE A DIRECTIVE TO PHYSICIANS?

- ⦿ Surrogate decision making
- ⦿ The health care provider may look to one of the following (in order of priority)
 - Spouse
 - Reasonably available adult children
 - Parents
 - Nearest living relative

WHAT HAPPENS IF YOU DON'T HAVE A DNR?

In an emergency, if you are unable to make your wishes known, medical personnel must provide whatever treatment is necessary

REVOCATION

All these documents can be revoked regardless of the maker's capacity

PREPARING ADVANCE DIRECTIVES

Choosing your agent

The best person to select as agent is someone who:

- Is willing to speak out on your behalf if necessary
- Is able to act on your wishes and separate his own feelings from yours

PREPARING ADVANCE DIRECTIVES

The best person to select as agent is someone who:

- Could travel to be at your side if needed
- Will talk with you now about sensitive issues and will listen to and act on your wishes
- Will likely be available long into the future

PREPARING ADVANCE DIRECTIVES

Thinking about treatment...

- Are some conditions worse than death?
- How do you weigh the odds of survival?

PREPARING ADVANCE DIRECTIVES

Thinking about quality of life...

- What's important, what's not?
 - Recognizing loved ones?
 - Communicating with others?
 - Being pain free?

PREPARING ADVANCE DIRECTIVES

Talking to your agent and family

- The more thoroughly you communicate, the easier it will be for everyone to respect your wishes
- It will help you think about what you want
- It may even bring your family closer together

NOW WHAT?

- Keep your original advance directives and your notes or worksheets where they can easily be found when needed
- Give copies of the directives and your notes or worksheets to your agent
- Let your agent know where to find the originals
- Give copies of your directives to your doctor. Make sure your doctor will support your wishes

NOW WHAT? (CONT'D)

Re-examine your advance directives

- ◆ Before each annual physical exam
- ◆ At the start of each decade of your life
- ◆ After any major life change - marriage, divorce, remarriage
- ◆ After any major medical change

