

Introduction to Advance Directive for Health Care

Advance Directives:

- An advance directive is a written document that sets out an individual's preferences about treatment should the person become incompetent or unable to communicate these preferences to medical personnel.

- Not only are advance directives used to instruct medical personnel when to withdraw or withhold life-sustaining procedures, but they are also used to record a patient's wish to receive all available medical treatment.

Effective May 9, 2017, the **Advance Directive for Health Care form** has combined the content of the "Living Will" or "Advance Care Plan" and "Medical Power of Attorney" or "Appointment of Health Care Agent" **into one model form** adopted by the Board for Licensing Health Care Facilities.

Advance Directive for Health Care

- An individual instruction or a written statement, witnessed, and governing the withholding or withdrawing of life-prolonging intervention, voluntarily executed by a person
- Not intended as a guide for Emergency Medical Service Personnel

Who Can Do One?

- Any competent adult or emancipated minor

What Does it Take?

- Must complete a form which is in substantial compliance with the law
- Must be witnessed by 2 adults, or
- Must be notarized by a notary public

Witnesses

A Witness May Not Be...

- Person being appointed
- At least one witness may not be related by blood/ marriage or adoption or entitled to any portion of estate
- Financially responsible for individual's medical care
- Surrogate
- Attending physician

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When Does the Advance Care for Health Care Become Effective?

Unless otherwise specified in the advance directive, the authority of an agent becomes effective only upon determination that the individual lacks capacity, and ceases to be effective upon a determination that the individual has recovered capacity.

How Is an Advance Directive for Health Care Revoked?

You should review your Advance Directive for Health Care periodically to make sure it still reflects your wishes. The best way to change your Advance Directive is to create a new one.

The new Advance Directive for Health Care will automatically cancel the old one. Be sure to notify all people who have copies of your Advance Directive for Health Care that you completed a new one.

Collect and destroy all copies of the old version.

Letting Others Know....

- Patient's/representative's responsibility to notify physician and health care providers of existence of Advance Directive for Health Care
- Patient's/representative's responsibility to notify physician and health care providers when Advance Directive for Health Care is revoked
- Patient's/representative's responsibility to provide copy of new Advance Directive for Health Care and/or revocation for medical records
- When physicians and health care providers receive a completed Advance Directive for Health Care, facility staff are responsible for ensuring that the Advance Directive for Health Care is placed in the medical record