



# Health Care Directive



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## **POLICIES OF MID-VALLEY HOSPITAL REGARDING INFORMED CONSENT AND ADVANCE DIRECTIVES**

Mid-Valley Hospital supports the Patient Self-determination Act. This Act recognizes that adult individuals have the right to be involved in decisions regarding their health care. They also have the right to accept or refuse treatment and the right to make Advanced Directives.

There are two types of Advanced Directives to best ensure that you receive the kind of health care you want in the event that you can't speak for yourself. These two directives are:

- 1) Health Care Directive (or Living Will)
- 2) Durable Power of Attorney for Health Care

Upon admission, or within 24 hours, a nurse will ask you if you have Advance Directives. If you have directive(s), you will be asked for a copy, which will be placed in your medical record.

We will provide information and forms for Advanced Directives that may help you understand your options. We are not permitted to give in-depth legal or medical advice. Such consultation, if desired, should be sought from a qualified physician or attorney.

Hospital employees, with exception of a notary public, are not allowed by law to serve as witness for Advance Directives.

Whether or not you choose to execute Advance Directives is a personal matter and will never be a condition of providing care or a basis for discrimination for or against you.

Advance Directives may be revoked at any time by your verbal or written request.

If, for any reason, the hospital or physician is unable to honor your Advance Directives, arrangements will be made to transfer your care to a facility or physician that can honor your wishes.

## **COMMONLY ASKED QUESTIONS ABOUT ADVANCE DIRECTIVES**

### **What are "Advance Directives"?**

Advance Directives are documents that state your choices about medical treatment, or name someone to make decisions about your medical treatment, if you are unable to make these decisions yourself. They are called Advance Directives, because they are prepared and signed in advance to let your health care providers know your wishes concerning medical treatment. Two types of Advance Directives are:

- 1) A Health Care Directive (or Living Will)
- 2) A Durable Power of Attorney for Health Care

## **Do I have to have Advance Directives?**

No. But Advance Directives may answer questions about the kind of medical treatment that you want or do not want; in the event you are unable to speak for yourself. Federal law prohibits hospitals, nursing homes, or other health care facilities from requiring you to have Advance Directives. Nor can you be discriminated against if you do not have Advance Directives.

## **What will happen if I do not have Advance Directives?**

You will receive medical care even if you do not have any Advance Directives. However, there is a greater chance that you may not receive treatment according to your personal wishes.

If you cannot speak for yourself, and you do not have Advance Directives, your health care providers will look to the following people, listed in order of priority, for decisions about your health care:

- 1) Your guardian, if appointed by the court
- 2) Spouse
- 3) Adult children
- 4) Parents
- 5) Adult brothers/sisters

If there is more than one person in the highest available group, such as several adult children but no spouse, ALL must agree with the treatment decision.

## **When do Advance Directives go into effect?**

These directives take effect ONLY when you can no longer make your own health care decisions. As long as you are able to give “informed consent”, your health care providers will rely on YOU and not on your Advance Directives.

## **What is “Informed Consent”?**

Informed consent means that you are able to understand the nature, extent and probable consequences of proposed medical treatment and are able to make rational evaluations of the risks and benefits of those treatments as compared with alternate treatments, AND you are able to communicate that understanding.

## **What should I do with my Advance Directives?**

You should keep them in a safe place where family members can get to them. Do NOT keep them in your safe deposit box. Give copies of your Advance Directives to family members; your physician; your local hospital, clinic, or nursing home; your attorney and clergyman.

## **How will my health care providers know if I have Advance Directives?**

You will be asked upon admission to the hospital if you have Advance Directives. If you do, a copy of your directive(s) will be placed in your medical record.

## **Do I need an attorney to help me make Advance Directives?**

No. You may be more comfortable consulting an attorney, or may have special needs or wishes that can best be handled with the assistance of an attorney. However, these forms are preprinted and easy to fill out.

## **Will my Advance Directives be followed?**

Generally, yes, if they comply with Washington law. If a health care provider is unable to comply with your wishes, even if they comply with Washington law, it is the provider's responsibility to arrange for another provider who is comfortable with your wishes. Federal law requires your health care providers to give you their written policies concerning advance directives.

## **What if I change my mind after I prepare Advance Directives?**

You can cancel or change any Advance Directive that you have prepared at any time. To cancel a directive, simply tell your health care providers, especially your physician, family and anyone else who has copies of your directive that you have canceled it and destroy the document. To change a directive, simply write and date a new one, and give copies of the revised document to all the appropriate parties, especially your physician.

Advance Directives generally do not have expiration dates, but you should review them once a year to decide if any changes are necessary.

## **Will my Washington Advance Directives be honored in another state?**

The laws on Advance Directives differ from state to state. If you plan to spend a great deal of time in another state, you might want to check with the requirements of that state.

## **Will an Advance Directive from another state be honored in Washington?**

Yes. An Advance Directive executed according to another state's laws will be honored in Washington to the extent allowed by Washington law.



## **HEALTH CARE DIRECTIVE (or LIVING WILL)**

### **What is a "Health Care Directive"?**

A Health Care Directive (Living Will) is a document that tells your doctor or other health care providers whether or not you want life-sustaining treatment or procedures administered to you if you are in a terminal condition or a permanent unconscious state. It is called a "Health Care Directive" because it takes effect while you are still living.

### **What is the difference between a Health Care Directive (Living Will) and a Last Will And Testament?**

A Health Care Directive (Living Will) states your wishes regarding health care. A Last Will and testament states your wishes regarding who is to have your personal possessions.

## **When does a Health Care Directive (Living Will) go into effect?**

A Health Care Directive (Living Will) goes into effect when:

- 1) your doctor has a copy of it.
- 2) your doctor has concluded that you are no longer able to make your own health care decisions.
- 3) your doctor has determined that you are terminally ill; or your doctor or another doctor have determined that you are permanently unconscious.

## **What are “Life-sustaining” Treatments?**

These are treatments or procedures that are not expected to cure your terminal condition, or make you better. They only prolong dying. Examples are mechanical ventilators that help you breathe or kidney dialysis that clears your blood of wastes. You can state whether you do or do not want any artificially administered nutrition and hydration in your Health Care Directive (Living Will). Interventions for relief of pain, are not considered life-sustaining treatments. Measures to ensure your comfort would be continued.

## **What is a “terminal” condition?**

A terminal condition is defined as an incurable condition for which the administration of medical treatment will only prolong the dying process, and without the administration of these treatments or procedures, death will occur in a relatively short period of time.

## **What is a “permanent unconscious state”?**

A permanent unconscious state means that a patient is in a permanent coma, caused by illness, injury, or disease. The patient is totally unaware of him or herself, surroundings and to a reasonable degree of certainty; there can be no recovery. Two physicians must certify a permanent unconscious state before a Health Care Directive (Living Will) can take effect.

## **How do I make out a Health Care Directive (Living Will)?**

Fill out the Health Care Directive form, also referred to as the Living Will form. You may add any additional directions regarding your care on the form. Sign (or have someone sign the document in your presence and at your direction, if you are unable to sign), and date the Health Care Directive (Living Will). Have two qualified adult people sign as witnesses. The two witnesses CANNOT be:

- 1) related to you by blood or marriage.
- 2) entitled to any part of your estate upon your death.
- 3) a person who has a claim against your estate.
- 4) your attending physician or an employee of your attending physician.
- 5) an employee of a health care facility in which you are a patient.

## **Is a Health Care Directive (Living Will) the same as a Do Not Resuscitate (DNR) order?**

No. A Do Not Resuscitate or No Code order is written by your doctor at your direction and placed in your medical records. It states that if you suffer cardiac arrest ( your heart stops beating) or respiratory arrest ( you stop breathing), your health care providers are not to try to revive you by any means. You may also discuss “limited resuscitation” measures with your physician.

# DURABLE POWER OF ATTORNEY FOR HEALTH CARE

## **What is a Durable Power of Attorney for Health Care?**

A Durable Power of Attorney for Health Care is a legal document, which allows you to appoint another person (as a “Health Care Agent”) to make medical decisions for you if you should become temporarily or permanently unable to make decisions for yourself. The person you choose does not have to be an attorney.

## **Who can I select to be my Agent?**

You can appoint almost any adult to be your agent. You should select a person who is knowledgeable about your wishes and feelings about your health care, and who is willing to accept the responsibility of making medical decisions for you. Family members or a close friend whom you trust to make decisions in your behalf are usually good choices to be agents.

The person you appoint as your agent CANNOT be:

- 1) your attending physician.
- 2) an employee of your physician.
- 3) an administrator, owner or employee of any health care facility in which you are a patient.

However, if any of the individuals listed above is also your spouse, adult child, brother or sister, you can appoint that individual to be your agent.

## **Can there be more than one Agent?**

Yes. You may designate alternates, in the event that your primary agent is unavailable, unable, or unwilling to act on your behalf.

## **When does the Durable Power for Health Care take effect?**

This directive becomes effective only when you are temporarily or permanently unable to make your own health care decisions. Remember, as long as you are able to make treatment decisions, you have the right to do so.

## **What decisions can my Agent make?**

Unless you limit his/her authority in the Durable Power for Health Care, your agent will be able to make almost every treatment decision in accordance with accepted medical practice that you could make. If your wishes are not known or cannot be determined, your agent has the duty to act in your best interests. These decisions can include authorizing, refusing, or withdrawing treatment.

## **How Do I make out a Durable Power for Health Care?**

Complete the Durable Power for Health Care form, identifying your agent. You may list alternate agents and any special provisions on the form. Sign and date the form in presence of a notary (or have someone sign it at your direction, if you are unable to sign, in the presence of you and a notary).

**What is the difference between a “Power of Attorney” and a “Durable Power for Health Care”?**

Normally a Power of Attorney deals only with personal and financial matters. A Durable Power for Health Care deals with health care and becomes effective when you are no longer able to make your own decisions about health care.

**How is the Durable Power for Health Care different from a Health Care Directive (Living Will)?**

A Health Care Directive (Living Will) applies if you are terminally ill or permanently unconscious. It tells your doctor what you do NOT want, unless you write in other specific directions.

The Durable Power for Health Care allows you to appoint someone to make health care decisions for you at any time you are unable to make them for yourself. This directive is more flexible and covers all health care situations, with the few exceptions noted in the form.

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