

Advance Directives

It is your right to decide about the medical care you will receive. You have the right to be informed of treatment options available before giving consent for medical treatment. You also have the right to accept, refuse or discontinue any treatment at any time.

Many people want to decide ahead of time what kinds of treatment they want to keep them alive. **Advance Directives let you make your wishes for treatment known in advance.** All of us who provide you with health care services are responsible for following your wishes. However, there may be times when you may not be able to decide, or make your wishes known.

The Utah Advance Health Care Directive is a legal document that helps others give you the care you would want when you cannot make decisions for yourself. You can benefit from having an Advance Directive at any age. You could have an accident or get sick. You might live with a mental or physical illness that leaves you without the ability to make decisions at times. Without an Advance Directive, those making decisions for you may not know what you want. These documents are legally binding only if the person completing them is a competent adult (at least 18 years old).

Utah's Advance Health Care Directive has four parts:

Part I: Allows you to name another person to make health care decisions for you (a "health care agent" or Health Care Power of Attorney) when you cannot make decisions or speak for yourself.

Part II: Allows you to record your wishes about health care in writing (Living Will).

Part III: Tells you how to revoke or change the directive.

Part IV: Makes your directive legal.

Part V- Choosing a Health Care Agent (Health Care Power of Attorney)

The best way to get your health care wishes followed when you cannot speak for yourself is to appoint an agent. Your agent should be someone who knows you and your end-of-life/health care wishes and be willing to speak and act for you when you cannot speak for yourself. Someone who lives far away may not be the best choice. By law, your agent cannot be a person under age 18, your healthcare provider, including the owner or operator of a care facility serving you (unless the person is your spouse or a close relative) or an employee of your health care provider (unless the person is your spouse or a close relative). You may also appoint an alternate agent to make decisions for you if your agent is unavailable or is unable or unwilling to serve as your agent. No one can force you to appoint an agent. It is always a good idea to get permission from the person you want to name as agent before you appoint them.

If you do not limit or expand your agent's power, the Utah Advance Health Care Directive gives your agent the power to:

- ☞ Consent to, refuse or withdraw any health care.
- ☞ Hire and fire health care providers.
- ☞ Ask questions and get answers from health care providers.
- ☞ Consent to admission or transfer to a health care provider or facility, including a mental health facility.
- ☞ Get copies of medical records.
- ☞ Ask for consultations or second opinions.

Part I: Your agent's: powers begin when you cannot make or communicate health care decisions for yourself. A physician who has personally examined you must find that you lack the capacity to make a health care decision. To have capacity, you must be able to understand your medical condition; understand the risks and benefits of treatment choices; weigh the risks and benefits to form a choice about treatment; and communicate your choice to your health care provider.

Part II: Your Health Care Wishes ("Living Will"): In this part of your Advance Directive, you can say how you want end-of-life care decisions made. You can choose to allow your health care agent to make health care decisions, choose to prolong life regardless of condition or prognosis or choose not to receive care for the purpose of prolonging life including food and fluids by tube, antibiotics, CPR or dialysis. You can also choose to limit the ability of your health care provider or agent to: withdraw life- sustaining care or to decline life-sustaining care if you have a progressive illness that will cause death; are close to death and unlikely to recover; you cannot communicate/recognize family and/or friends; it is unlikely that your condition will improve; or if you are in a persistent vegetative state.

Part III: Revoking Your Directive: You may revoke all or part of your Advance Directive by writing "void" across the Advance Directive form, or burning, tearing or otherwise destroying the document (or directing another person to do this for you); signing a written revocation (or cancellation) of the Advance Directive; directing another person to sign a revocation for you; stating that you wish to revoke your Advance Directive in the presence of a witness (the witness must be 18 years or older, must not be your appointed agent in a substitute directive, must not become a default surrogate if the directive is revoked and must sign and date a written document confirming your statement); or by completing a new Advance Directive. (If you sign a new directive, the most recent one applies.)

Tell any health care provider or health care facility that has a copy of your Advance Directive if you have revoked your Advance Directive. Provide them with a copy of your new directive once it is complete. You may revoke your directive even if a physician has found that you lack health care decision-making capacity.

Part IV: Completing Your Directive The Utah Advance Health Care Directive must be signed in the presence of a witness who is 18 years of age or older. The witness cannot be related to you by blood or marriage; entitled to any portion of your estate according to the laws of intestate succession of Utah or under your will or codicil; the beneficiary of a life insurance policy, trust, qualified plan, property or accounts held in POD, TOD or co-ownership registration with the right of survivorship; financially responsible for your support or medical care; a health care provider who is providing care to you or an administrator at a health care facility in which you are receiving care; or your appointed agent or alternate agent. The document does not need to be notarized.

You should give a copy of your Utah Advance Health Care Directive to your doctor, family or friends and health care providers. Keep the originals with other important papers in a safe place that is easy to find. Please inform us if you execute or change either of these documents during the course of your care.

Life with Dignity Orders: If you have unconditional preferences about health care that you do or do not want to receive, you should ask your doctor to complete a Life with Dignity Order. The physician orders found in a Life with Dignity Order should be followed by all licensed health care facilities, including Emergency Medical Service providers and are transferable across all health care settings. This Order helps translate the wishes expressed in your Advance Directive into orders that can be followed by health care providers. You cannot be forced to complete a Life with Dignity Order.

It is important that a copy of your Life with Dignity Order is readily available for health care workers in the home.

For an adult who has a Life with Dignity Order, including an emancipated minor, it is recommended that a copy of the Life with Dignity Order be posted on the front of the refrigerator or over the individual's bed. For a minor who resides in the home, it is recommended that a copy of the Life with Dignity Order be placed in a tube or protective container and secured on the top shelf of the door of the refrigerator.

If you have a Life with Dignity Order, you may also obtain a Life with Dignity bracelet or necklace from a vendor approved by the Utah Department of Health. The approved bracelet or necklace also helps identify an individual with a Life with Dignity Order to EMS or other health care providers. Ask your physician or health care provider if you are interested in obtaining an approved bracelet or necklace.

Utah Advance Directive laws were amended in 2010, replacing the prior Physician Orders for Life Sustaining Treatment (POLST) Form with Life with Dignity Orders. If you executed a POLST Form prior to February 2010, the old documents are still legal and recognized by health care providers.

AGENCY ADVANCE DIRECTIVE POLICY

Our agency complies with the Patient Self-Determination Act of 1990 which requires us to:

- ☞ provide you with written information describing your rights to make decisions about your medical care;
- ☞ document Advance Directives prominently in your medical record and inform all staff;
- ☞ comply with requirements of State law and court decisions with respect to Advance Directives;
- ☞ provide care to you regardless of whether or not you have executed an Advance Directive.
- ☞ An ethics committee is available to serve in an advisory capacity when ethical issues, such as the withdrawal or withholding of life-sustaining treatments arise during the care of patients with or without an Advance Directive. Discussion shall involve the patient and/or designated representatives, the home care staff involved in the patient's care and the patient's physician.

Unless the physician has written a specific **Do Not Resuscitate (DNR)** order or included a **DNR order on a Life with Dignity Order**, it is our policy that every patient will receive cardiopulmonary resuscitation (CPR). If you do not wish to be resuscitated, you, your family or your health care power of attorney/agent must request DNR orders from your physician. These orders are documented in your medical record and routinely reviewed; however, **you may revoke your consent to such an order at any time.**