

# **Advance Directives Self-Learning Packet**

## **February 2005**

### Frequently Asked Questions About Advanced Directives

Sinai hospital is committed to providing quality health care for its patients. Patients have the right to expect high standards of care and service throughout their stay. It is Sinai's policy to respect the wishes of our patients regarding their medical care and treatment in accordance with accepted principles of medical practice, ethics and law.

Patients have the right to know about the nature of their illness, the nature of all proposed treatment, their benefits, risks and any alternative treatments that may be available to them. They have the right to decide what type of treatment to accept, refuse or discontinue.

Sometimes, however, because of illness or injury, patients may be unable to make decisions about their medical care. By using advance directives, they can designate someone to make health care decisions for them. They can also let others know of the kind of medical care they wish to receive by the written instructions they complete.

To help staff understand these very important patient decisions, this self-learning packet has been prepared to answer some of the most frequently asked questions on the subject.

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

Advance Directives are legal documents that allow you to give directions for your future medical care. They are called "advance directives" because they are made in advance to let your doctor and other health care providers know your wishes concerning medical treatment.

Maryland law recognizes the following types of advance directives: Written Designation of a Health Care Agent and Health Care Instructions (also known as Durable Power of Attorney for Health Care), and an oral statement to your physician (documented and witnessed in your medical record).

#### **What is a Living Will?**

A Living Will is a legal document that allows individuals to state whether they want life sustaining procedures provided, withheld or withdrawn if they are terminally ill, in a persistent vegetative state or in an end-stage disease state.

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### **What is the Designation of Health Care Agent and / or Health Care Instructions?**

The Designation of Health Care Agent and/or Health Care Instructions (formerly known as Durable Power of Attorney for Health Care) is a legal document in which you appoint another person to make medical decisions for you should you become permanently or temporarily unable to make those decisions yourself.

The Health Care Instructions outline your wishes concerning certain life prolonging measures when your medical condition becomes such that there is little or no chance of recovery. The person you choose as your Health Care Agent does not have to be an attorney. If you feel that it is not necessary to instruct your Health Care Agent on your wishes, you do not have to complete part B of the Health Care Instruction Form. After you have completed and signed the forms ( Part A or both ), please give a copy to your physician and bring a copy with you when you are admitted to a hospital.

### **What are Oral Advanced Directives?**

You can tell your physician what your wishes are and he or she will document your discussion, ask a witness to sign the notes and make your instruction part of your permanent medical record. These instructions can be communicated to your physicians at any time before or during your hospitalization.

### **What If I Wish To Change My Advanced Directives?**

You can change or cancel your advance directives at any time by letting your physician and other care providers know of your decision.

### **Is the Advance Directive the same as a DNR order/code status?**

No, it is not. The physician needs to review the Advance Directive with the patient or surrogate decision maker to determine if the instructions in the Advance Directive are applicable to this hospitalization and if a DNR order what the patient wishes or the surrogate decision maker wishes for the patient.

### **If a patient is not able to make health care decisions during their hospitalization and does not have an advance directive, can the patient or family execute a new advance directive?**

No. Advance directives must be completed by the patient, only when they are competent to make health care decisions.

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### **What is a surrogate decision - maker?**

If the patient is deemed unable to make his/her health care decisions, another person, called a surrogate is identified to make decisions on behalf of the patient. This is the person the health care providers will communicate with regarding any health care issues and questions, including consent for procedures, DNR orders, or orders for withholding or withdrawing medical support or treatment, etc.

The Health Care Decision Act of 1994 makes the following provisions for determining who should be the surrogate decision - maker for a patient and in what order.

1. ***Court appointed guardian of person*** for the patient and a copy of the court ordered appointment must be on the patient's chart.
2. ***Health care agent*** as designated in the patient's most current Advance Directive.
3. ***Patient's spouse***
4. ***Patient's adult children*** (no one child has more authority than the other, there needs to be consensus among the children)
5. ***Patient's parent***
6. ***Patient's sibling***
7. ***Patient's friend or other relative*** (Sinai Hospital's Surrogate Decision Maker Affidavit form must be completed and placed on the patient's chart.)

### **What should I do if a patient does not understand the Advance Directive booklet and wants to talk with someone about an advance directive?**

Order a referral for Social Work Services via Cerner or call the Case Management Department at extension 2-9680 for the unit social worker to assist the patient.

### **Will the wishes of the patient as instructed in the Advance Directive always be carried out?**

Health care providers should abide by the patient's wishes, UNLESS there is evidence that to do so would be medically ineffective or cause harm to the patient. These are decisions that need to be made after the physician discusses care and the advance directives with the patient or surrogate decision-maker. The physician must clearly document the discussion and decisions in the patient's medical record. Social Work, Legal Counsel, Risk Management and the Ethics Committee are available for consultation regarding these matters.

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### **DEFINITIONS**

#### **What is Terminal Condition?**

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

#### **What is a Persistent Vegetative State?**

A persistent vegetative state means that a patient is in a permanent coma or state of unconsciousness caused by illness, injury or disease. The patient is totally unaware of him/herself, his/her surroundings and environment nor able to interact with others. To a reasonable degree of medical certainty, there can be no recovery.

#### **What is End-Stage Disease?**

End Stage Disease means that the patient has suffered severe and permanent deterioration indicated by incompetence and complete, physical dependency and for which, to a reasonable degree of medical certainty, treatment of the irreversible condition would not be medically effective.

#### **How to Get More Information?**

If you have any questions about advance directives, you can request to speak with a hospital Social Worker or Chaplain or with an attorney. Also talk to the attending physicians involved in patient care.

Copies of Sinai Hospital's advance directive booklet entitled, "**Your Right To Make Your Own Health Care Decisions**", may be ordered from VSP.

#### **Sinai Hospital's Ethics Committee**

Sinai Hospital has an Ethics committee whose purpose is to help patients and their families with specific clinical situations that have ethical implications. Patients and families may meet with the committee to consider situations that have medical, ethical and legal implications through a verbal or written request to the hospital Social work Department at 410-601-5578.