

# Advance Directives

# Why Are Advance Directives Needed?



- Population is aging.
- People are seeking health care alone.
- Health crises are unpredictable.
- Not appropriate to educate on advance directives in midst of crisis.
- Eases burden for family members/providers.
- Reduces fear and worry about health care decisions.
- Communicates your wishes when you are not able to.



# Defining Advance Directives

- Legal documents that allow patients to put healthcare wishes in writing, or to appoint someone they trust to make decisions for them, if they become incapacitated.
- Two types –
  - Living will
  - Durable power of attorney for healthcare.
- In Minnesota, an Advance Directive is called a Health Care Directive.
  - Combines living will (medical instructions) and durable power of attorney for health care (someone to act as your agent).



# Why Don't People Have Advance Directives

- Only 18-32% complete the form.
  - Low health literacy rates.
  - Language barriers.
  - Healthy people don't see the need.
  - Discomfort/superstition with discussion.
  - Just don't get around to it.

# History



- Advance Directives created in response to increasing medical technology.
- 80% of deaths occur in health care facilities.
- Developed to help avoid suffering and costs associated with unwanted treatment.
- Living will proposed in 1969 – provided directives about course of treatment.
- Durable power of attorney added next.
- Wishes and values added later.



# History

- 1998 – Minnesota introduced the Health Care Directive tool to help members put wishes into writing.
- Combines living will (1989) and Durable Power of Attorney for Health Care (1993).
- Makes it easier to complete an advance directive.

# Did You Know?



- It is just as important for individual who **wants to initiate or continue** treatment to leave written instructions, as it is for those who have other preferences.
- A health care directive does not require an attorney to complete.
- Once written, a health care directive can be changed or revoked as long as you have the capacity to do so.

# What's in a Health Care Directive?



- Many choices, including:
  - Personal info- name, address, etc.
  - Agent duties – describes them.
  - Agent notes- choose how agent can act,
  - Act alone, together, primary agent, secondary, etc.
  - Powers of agent- extended or limited.
  - You don't need to answer every question.



# What's in a Health Care Directive?



## Health care instructions

- To describe views, beliefs, care preferences, organ donation.
- May add your own instructions.

## Signatures and dates

- Notary public or witness signatures.

## Records

- Master list of who has copies.
- Review and updates.



# Required Elements of Health Care Directives

- Must be in writing.
- Must be dated.
- Must state person's name.
- Must be executed by a person with capacity to do so.
- Must be signed by you or someone authorized to sign for you, when you can understand and communicate your health care wishes.
- Must be verified by a notary or two witnesses.
- Must include either health instructions OR a health care power of attorney, or both.

# How to Complete a Health Care Directive



## Name an agent-

- 18 years old, trustworthy, shares your values, close to you, advocate for you, etc.
- Cannot be AHCP or employee of AHCP on date directive is executed or date decisions must be made.
  - Exceptions – AHCP is family member, or specifically state WHY you chose AHCP.
- Spouse or domestic partners will be automatically revoked if partnership or marriage dissolved, unless otherwise stated in Advance Directive.
- Name at least 2 alternate agents if possible – in case your primary agent is unable, unwilling, or unavailable.

# How to Complete a Health Care Directive



## Write instructions.

- Identify considerations for decision making
  - What's important to you.
  - Feelings about medical treatment.
  - Wishes for dying, organ donation, etc.
- Tools:
  - Minnesota Health Care Directive Planning Tool.
  - 5 Wishes – forms and guides.
  - Other forms.

# How to Complete a Health Care Directive



## Make it legal.

- Sign and date it
  - Witnessed by notary public or two individuals.
  - Limits on who can witness.
  - Neither of the two witnesses or the notary can be named as your agent or alternate agents.
  - Only one of the witnesses can be a direct care provider or employee of provider on day the form is signed.



# What to Do with a Health Care Directive

## Inform others that it exists.

- Inform others of the content, who the decision makers are, etc.
- Give others a copy, especially health care providers, keep record of who has copies.
- Review and update as health care needs change.
- Keep in a safe place, where easily found, not in safe deposit box.
- Copies of the form are valid.

# What to Do with a Health Care Directive



Review and update it when there are changes in:

- Health status.
- State of residence.
  - An advance directive from another state must meet requirements of each state.
  - Requests for assisted suicide will not be followed- regardless of state.
- The availability of individuals named as health care agent or alternative agents.

# How Long Does It Last?



Until you change or cancel it.

- You can change it by:
  - Writing a statement saying you want to cancel it.
  - Destroying it.
  - Telling at least two people you want to cancel it.
  - Writing a new health care directive.





## Advance Directives Will Not Be Honored When..

- The request for treatment is outside of reasonable medical practice.
- The request is for assisted suicide, euthanasia, mercy killing.



# Did You Know?

- It is illegal for health care providers to require patients to complete an advance directive.
- Health care providers are required to **tell** patients about advance directive laws in Minnesota and note whether or not the patient has one.
- Laws regarding advance directives are not the same in all fifty states in the U.S.

# POLST



- Provider Orders for Life Sustaining Treatment (POLST)
  - Is a portable medical order
  - Is one part of advance care planning, does NOT replace health care directive.
  - Identifies what types of treatment a pt. wishes to receive at end of life or in medical emergency.
  - Helps convey those wishes to emergency services and other medical providers.
  - Used and recognized by hospitals, LTC facilities, medical professionals, and EMS throughout MN.
  - Must be signed by a licensed provider to be valid.
  - Standardized form in MN.
  - EMS can only follow signed medical orders, thus they can follow a POLST but not a health care directive.

# Care Coordinator's Role



- Review member record for advance directive information.
- Ask member if they have an advance directive
  - If yes, document the discussion, what they have, etc.
  - If no, ask if they want to discuss.

# Care Coordinator's Role



- If member wishes to discuss advance directive:
  - Describe advance directive.
  - Ask if they want help completing one- locate forms, etc.
  - Give ideas or suggestions for talking with family, etc.
  - Support their ideas or wishes.
  - Follow up on any planned discussion.
  - Give resources for advance directives.

# Care Coordinator's Role



- If member does NOT wish to discuss advance directive:
  - Document that the member does not want to discuss.
  - Assure members that they will still have coverage if they choose to have an advance directive, or not.
- Address advance directives annually with all members, and document.



# Care Coordinator's Role

- May assist member in filling out advance directive.
- May not act as witness or authorized agent.



# Cultural Considerations

- Approach carefully.
- Respect cultural beliefs about death and dying.
- Do not require member to discuss.
- Document if member does not want to discuss.
- Act as a resource when possible.



# Additional Resources



- UCare product overviews on Care Manager's tab on UCare website.
  - Click on Questions and Answers about Health Care Directives.
  - Senior Linkage Line.



# For More Information

- The Minnesota Health Care Directive:
  - Available in English and Large Print
  - Minnesota Health Care Directive Planning Toolkit can be printed online at: <http://z.umn.edu/mnhcdirective/>.



# For More Information

- Five Wishes- U.S. Advance Directive
  - Created by Aging with Dignity.
  - Document available in other languages.
  - Available online at <https://fivewishes.org/>
- Honoring Choices
  - Advance Care Planning initiative led by Twin Cities Medical Society
  - Available in Arabic, Chinese, English, Hmong, Russian, Somali, Spanish
  - Available online at [www.ucare.org/advanced-directives](http://www.ucare.org/advanced-directives)



# Questions?

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