



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

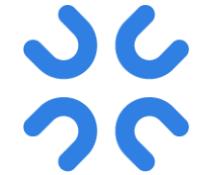
- To describe views, beliefs, care preferences, organ donation.
- May add your own instructions.

Signatures and dates

- Notary public or witness signatures.

Records

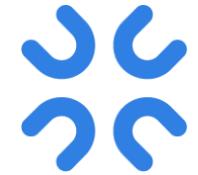
- Master list of who has copies.
- Review and updates.



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.

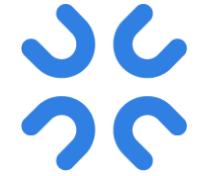
What to Do with a Health Care Directive



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..

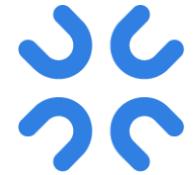
- The request for treatment is outside of reasonable medical practice.
- The request is for assisted suicide, euthanasia, mercy killing.

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



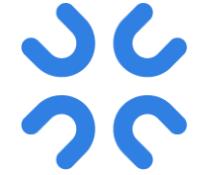
- Provider Orders for Life Sustaining Treatment (POLST)
 - Is a portable medical order
 - Is one part of advance care planning, does NOT replace health care directive.
 - Identifies what types of treatment a pt. wishes to receive at end of life or in medical emergency.
 - Helps convey those wishes to 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

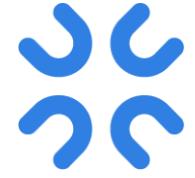
- May assist member in filling out advance directive.
- May not act as witness or authorized agent.



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

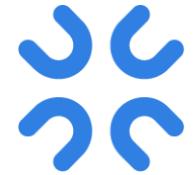


- UCare product overviews on Care Manager's tab on UCare website.
 - Click on Questions and Answers about Health Care Directives.
 - Senior Linkage Line.



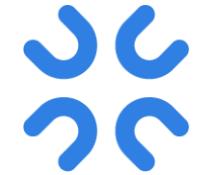
For More Information

- 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



Questions?

- Direct questions to: clinicalliaison@ucare.org
- 612-294-5045

