

“asking the difficult  
question”

# ADVANCE DIRECTIVES



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# OBJECTIVES

- To understand the value of an Advance Directive & its impact on transitional care.
- To identify which life transitions should precipitate the completion of an Advance Directive.
- To distinguish b/t the role of the Health Care Proxy and DPOA.
- To distinguish b/t DNR, DNI, DNH, & CMO.
- To understand the physician's role in advance care planning.
- To b/c familiar with resources for advance care planning.

# ADVANCE CARE DIRECTIVES:

- a legal document, consistent with state law, that helps to ensure that one's health care wishes will be carried out;
- May be an oral communication, verbally expressed to family members or to a health care agent.

# Two main types of Advance Directives:

- Health Care Proxy/Agent/Medical POA
- Living Will/Treatment Directive

# MEDICAL POA:

- A written document in which a person is named to act as the health care proxy/agent in the event one is no longer able to speak for him/herself.
- Cognitive/physical decline resulting in ‘lack of capacity’ is determined by the physician.

# LIVING WILL:

- Documents personal directives for EOL care in the event that decision-making or communication abilities are lost.
- Includes directives for: IVF hydration, parenteral/enteral nutrition, CPR, mechanical ventilation, hemodialysis, stopping life-prolonging treatment, etc.



# Qualifications for a Health Care Proxy/Agent:

- Meets legal criteria of the state
- Willing to speak on the patient's behalf
- Able to act on the Principal's wishes
- Readily available
- Understands what is important to the Principal
- Trustworthy
- Able to discuss sensitive issues

# Qualifications (con' t):

- Able to handle conflicting opinions b/t family members/friends/health care providers
- Can be a strong advocate in the face of an unresponsive physician or institution
- Will be available as long as the Principal is alive



# State rules disqualifying for health care proxy:

- Less than 18 years of age
- Person is Principal's health care provider or an employee of the health care provider
- Person is the owner of the health care facility where the Principal resides

# Surrogate decision making:

- In Maine, a surrogate may make health care decisions for an adult who doesn't have a designated Proxy/Agent or Guardian
- Order of choice:
  - Spouse
  - Adult child
  - Sibling
  - Grandchild
  - Other

# When to create or change an Advance Directive:

- Any major change in status
- Five “D” s’:
  - Decade
  - Death
  - Divorce
  - Diagnosis
  - Decline

# Obtain an Advance Directive form:

- Local hospital's social service, patient education, admissions, or chaplaincy departments
- National Hospice & Palliative Care Organization (see "Resources" page)
- Download a legal form for any state from:
  - [www.caringinfo.org](http://www.caringinfo.org)
- Five Wishes (see "Resources" page)
- American Bar Association (see "Resources" page)

# What to do with the Advance Directive document:

- Original is kept with the individual (or Proxy) & stored where it can be easily found
- Copies to Proxy, health care provider, hospital, others
- Carry an Advance Directive wallet card
- Notarized version if traveling out of state

# Physician Orders for Life-Sustaining Treatment (POLST)

- DNR
- DNI
- DNH
- CMO
- Hospice Care



# Role of Advance Directives & Transitional Care:

- Case scenario
- Provides clear direction for health care personnel regarding EOL care
- Keeps care consistent with patient's wishes
- POLST provides clear and mandatory documentation
- Needs to accompany the patient during transitions when the Proxy/family are unavailable

# In conclusion:

- “Modern medicine may have made dying harder, but it has also given us the gift of time—the time to prepare, the time to heal family wounds, the time to bring psychological and spiritual closure. If we can take advantage of it, it has given us something unique in history: the time to tie up loose ends and orchestrate a death that is good.”

Marilyn Webb, *The Good Death*

# RESOURCES

## **Five Wishes: Aging with Dignity**

PO Box 1661

Tallahassee, FL 32032-1661

Phone: 1-888-594-7437

Email: [fivewishes@agingwithdignity.org](mailto:fivewishes@agingwithdignity.org)

Web: [www.agingwithdignity.org](http://www.agingwithdignity.org)

## **Caring Connections (National Hospice and Palliative Care Organization-NHPCO)**

1700 Diagonal Road

Suite 625

Alexandria, VA 22314

Phone: 1-800-658-8898/703-837-1500

Fax: 703-837-1233

Email: [caringinfo@nhpco.org](mailto:caringinfo@nhpco.org)

Web: [www.caringinfo.org](http://www.caringinfo.org)

## **American Bar Association: Consumers Toolkit for Health Care Advance Planning**

Web: [www.abanet.org/aging/toolkit](http://www.abanet.org/aging/toolkit)

**Article:** S. E. Hickman, C. P. Sabatino, A. H. Moss, J. Wehrle Nester,  
“The POLST Paradigm to Improve End-of-Life-Care: Potential State Legal Barriers to Implementation”.  
*Journal of Law, Medicine & Ethics*, (Spring 2008): 119-140.

# RESOURCES

## Con' t

In Maine:

### **Legal services for the Elderly**

Phone: 207-396-6502

Web: [www.mainelse.org](http://www.mainelse.org) or [www.maineelderlaw.com](http://www.maineelderlaw.com)

### **Maine Hospital Association**

Web: [www.themha.org/issues/advdirectivesform.pdf](http://www.themha.org/issues/advdirectivesform.pdf)

### **Maine POLST (PDF File Format)**

Web:

[www.mehca.org/qualityregs/maine%20POLST%204-15-09%20final.pdf](http://www.mehca.org/qualityregs/maine%20POLST%204-15-09%20final.pdf)

### **Maine POLST (Microsoft Word Doc)**

Web: [www.mehca.org/.../MHCA%20E-News](http://www.mehca.org/.../MHCA%20E-News)

**We invite you to view the companion DVD  
“Asking the Difficult Question” which  
complements this course.**

**“advance directives” is part two of the Special Initiative Project  
“asking the difficult question” we strongly encourage you to view  
the 2-3 minute companion DVD, which you may access by clicking  
on the following link ..... To enhance your experience  
you can download the companion discussion questions which are  
included in the handout section .**

**We hope you have enjoyed this course and we invite you to explore  
some of the other courses we offer. Thank you !!**