

## Understanding Advanced Directives

You plan for the future in many ways, including career choices, financial investments, major moves, and life goals. These all have you looking years — even decades — down the line. You make decisions that will affect your future.

It can be scary to think about the end of your life — no matter what stage of life you're in — and how it will affect your loved ones. However, it's important to make sure medical decisions made on your behalf reflect your wishes. And that's where advance directives come in. These legal documents spell out your decisions about medical care before a situation arises in which you are unable to, such as a brain injury or coma. Advance directives only take effect if you are unable to communicate for yourself.

### Types of Advanced Directives recognized in Kansas include:

- 1) *Durable Power of Attorney for Health Care Decisions (DPOA for HC) Health Care Power of Attorney*
  - a) K.S.A. 58-625 through 632
  - b) This form is sometimes called the Healthcare Power of Attorney. It is a signed and notarized or witnessed legal paper. It allows a person to name someone to make health care decisions for him/her during a time of disability or incapacity. (The person who has the power of attorney is called the health care agent, proxy, surrogate or DPOA-HC.)
  - c) The Healthcare Power of Attorney may be effective only when the person lacks the capacity (as determined by a physician) to make or communicate decisions.
  - d) The healthcare agent may not cancel a person's Living Will.
  
- 2) *Living Will*
  - a) K.S.A. 65-28,101 Et.SEQ.
  - b) A Living Will is a signed and notarized or witnessed form that allows a person to state in advance that his/her dying should not be artificially prolonged in cases of terminal illness. This decision may be made only by the patient or by a person the patient has designated as Durable Power of Attorney for Healthcare. Relatives and even the patient's legal guardian do not have the authority to make this decision. The form is authorized by Kansas Law.
  - c) The Living Will applies only when the person has been diagnosed and certified as terminally ill by two doctors. One of the doctors is the patient's attending physician. (Terminally ill usually means that death will probably occur within six months regardless of whether life-sustaining measures are used).
  
- 3) *Patient's (DNR) Do Not Resuscitate Directive*
  - a) K.S.A. 65-4841.ET.SEQ.

- b) A Patient's DNR Directive is a signed, dated, and witnessed form that lets an adult say in advance his/her decision that if his/her heart stops beating or breathing stops. No medical procedure will be done to restart the heart or breathing.
  - c) Other appropriate emergency medical care by pre-hospital care givers or medical care directed by a doctor may be given.
  - d) The form is authorized by Kansas law.
  - e) The person must be an adult and competent when the paper is signed (at least 18 years old).
  - f) The paper must also be signed by the attending physician as 'medically appropriate' unless the person's church or religion recognizes treatment by spiritual means only.
- 4) *Physician's Do-Not-Resuscitate order (DNR)*
- a) A physician's DNR order (as distinguished from a patient's DNR Directive) may be any doctor's way of making a "do not resuscitate" order (sometimes referred to as "no code") in a medical care facility and adult care home, or an emergency medical service.

### **Getting Started: How to create an Advanced Directive**

*Nemaha Valley Community Hospital's Social Worker provides free assistance to patients that would like to complete these documents. Call 785-336-0421 to schedule an appointment.*

As you're considering what to include in your advance directive documents, consider who may be impacted by your choices. You may want to talk to your close family members, such as your spouse, close siblings or adult children.

After you've decided what to include and chosen who — if anyone — you'd like to name as your health care proxy, the next step is to fill out the legal forms.

- 1) Lawyers are also a resource that can assist you with completing these documents.
- 2) You can also print them and complete them yourself as long as you follow the state guidelines.
  - a) The state guidelines are that the document be either notarized or witnessed by two persons who are at least 18 year of age. They cannot be listed as the agent or a relative to the person by blood, marriage or adoption. They cannot have financial interest in the person's medical care or estate.
    - i) If you decide to make any changes to your documents, you'll need to replace them with updated versions. However, it's not necessary to update them if there's nothing you want to change. Also, if you move between states often, you may want to have a copy in each state.

### **What if I've been chosen as a Health Care Proxy?**

If someone you love has chosen you to make important health care decisions for them when they are unable to, that means they trust you to make those decisions according to their values. It's important that you fully understand what those values are and feel comfortable talking with your loved one about them. Talk to them about their thoughts and beliefs. If you have specific questions, don't hesitate to ask them. Remember that it may require more than one conversation to fully understand their wishes.

These conversations might be a little uncomfortable at times, but keep in mind that they chose you because they trust you. Please contact our Social Services Director, Krista Stallbaumer, at 785-336-0421 with any questions about Advanced Directives.