

# Advance Care Directives




**An Individual's Right to Decide**

**Rev. Michael Doane, MSHA, ACPE, M.Div.**



# **Basic Types of Texas Advance Care Directives**

- 1) Directive to Physicians and Family or Surrogates**
- 2) Medical Power of Attorney**
- 3) Out-of-Hospital Do Not Resuscitate Order**
- 4) The Declaration of Mental Health Treatment**



# Directive to Physicians and Family or Surrogates

- Formerly known as a Living Will (outdated term)
- Provides a physician and/or family member with directions for care in the event of a terminal condition or an irreversible condition, and when the individual cannot communicate
- Includes the added option to designate an agent to make decisions on behalf of the patient



# Medical Power of Attorney

- The designation of another person to make any and all health care decisions in accordance with your wishes, when you are not able to make such decisions.
- Limitation- Your agent may not consent to:
  - Voluntary inpatient mental health
  - Convulsive treatment
  - Psychosurgery
  - Abortion



## Medical Power of Attorney (cont.)

- A physician must comply with agent's instructions or allow you to be transferred to another physician
- Not to be confused with "Power of Attorney" used for financial/business issues
- Attorney is not required



# Medical Power of Attorney (cont.)

## Limitations related to Agent:

- 18 years or older (or no longer considered a minor)
- Cannot be a direct care provider
- Must be informed and accept the role of agent
- If a spouse, the appointment is dissolved upon divorce



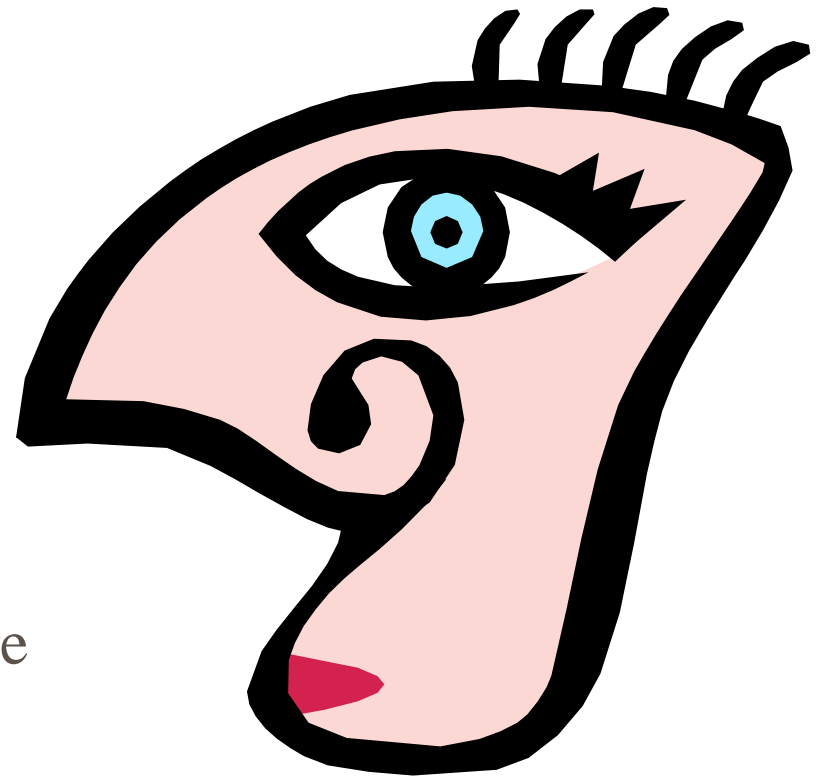
# Medical Power of Attorney (cont.)

- Legal Requirements:
  - Two witnesses are required
  - Attorney is not necessary
  - Does not have financial implications
  - May be revoked or replaced at any time

## MAY NOT BE:

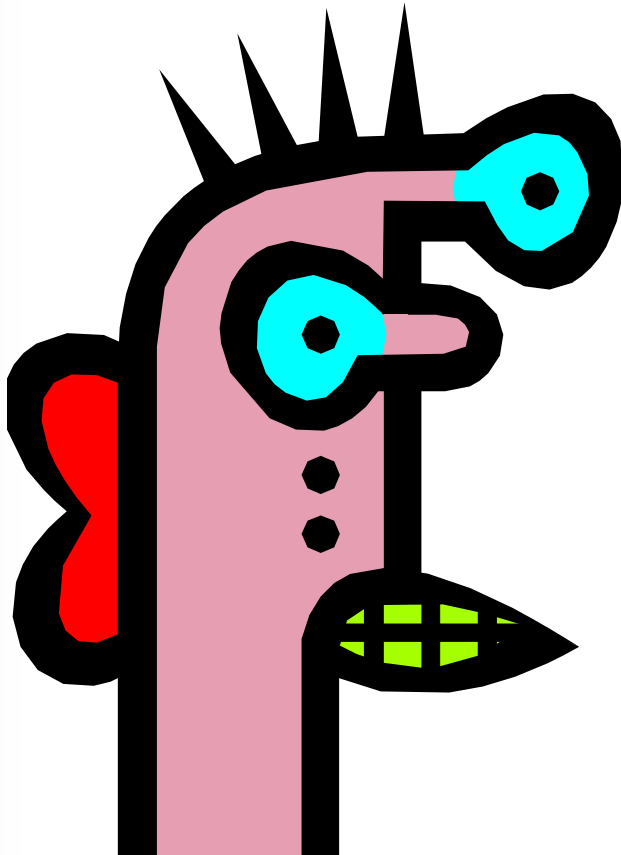
- Related by blood, marriage, or adoption
- The attending physician or the physician's employee
- Be a possible recipient of the person's estate
- A person designated to make treatment decisions
- Involved in providing direct care
- A hospital administrator or business office employee

## First Witness





# Second Witness



- May be anyone other than the first witness
- Often recommended that the same restrictions apply



# **Out-of-Hospital Do Not Resuscitate Order (OOH DNR)**

- Allows patients to direct health care professionals (physicians, nurses, EMS, PA) in the “out-of-hospital” setting
- Used to withhold or withdraw specific life-sustaining treatments at respiratory or cardiac arrest



# OOH DNR

(continued)

- Prohibited Life-sustaining treatments:
  - Cardiopulmonary resuscitation (CPR)
  - Transcutaneous Cardiac Pacing
  - Defibrillation
  - Advanced Airway Management
  - Artificial Ventilation



# OOH DNR

(continued)

- Completed by or on behalf of patient
- “Out-of-Hospital” Setting includes:
  - Long-Term Care Facility
  - In-patient Hospice Facility
  - Private Homes
  - Hospital Outpatient Department
  - Hospital Emergency Department
  - Physician Offices
  - Vehicles during transport



# OOH DNR

(continued)

- Signatures Required:
  - Patient or Agent
  - Agent may include any of the following:
    - Agent under Medical Power of Attorney
    - Qualified Relative
    - Legal Guardian
    - Parent (if patient is a minor)
    - Managing Conservator (if patient is a minor)
  - Attending Physician



# OOH DNR

(continued)

- DNR Devices (bracelets, necklaces, etc) are also to be honored in lieu of DNR form
- Texas Statute requires all signatures to be made twice on the document
- Copies of document are to be honored
- Additional Information Available at:

[www.dshs.state.tx.us/emstraumasystems/dnr.shtm](http://www.dshs.state.tx.us/emstraumasystems/dnr.shtm)



# Declaration of Mental Health Treatment

- Allows Patient or Agent to make advance decisions concerning:
  - Psychoactive Medications
  - Convulsive Therapy
  - Emergency Mental Health Treatment
  
- Signatures Required
  - Person making the declaration
  - Two Witnesses: must be personally known to person and present when they sign the document



# Declaration of Mental Health Treatment

(continued)

- Is activated only if a court determines person is incapacitated to make treatment decisions
- Will remain in effect for three years unless person is determined to be incapacitated
- May be revoked at any time unless incapacitated





Questions?