Health Care Proxy ?
Do I Need a Living Will?

Disty Pearson PA-C
Boston Adult Congenital Heart
And Pulmonary Vascular Disease Service

WHY?

We need to agree that …

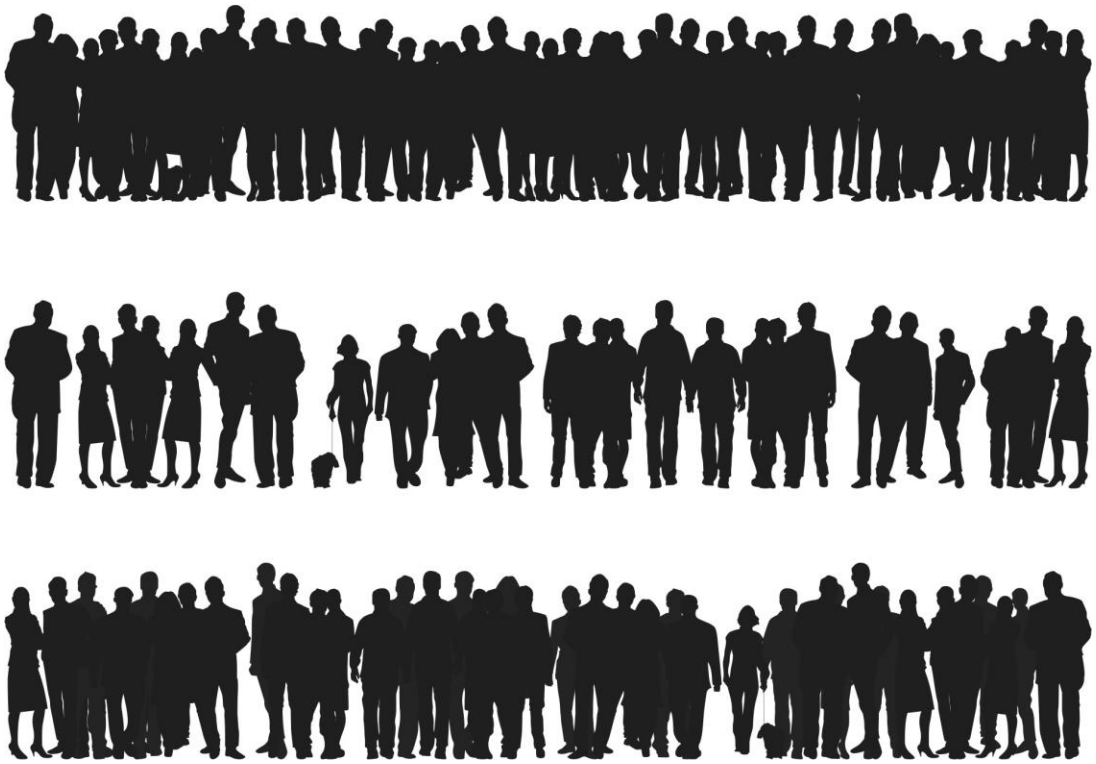
We are all going to pass

Why?

- If we no longer can express our preferences decisions will be made for us by others if we have not planned for our own treatment in advance.
- Advance health care directives allow us to deal with these situations.
- Without such directives, our families may find it necessary to obtain court orders to deal with our medical situations.

The Inevitable

WHO?

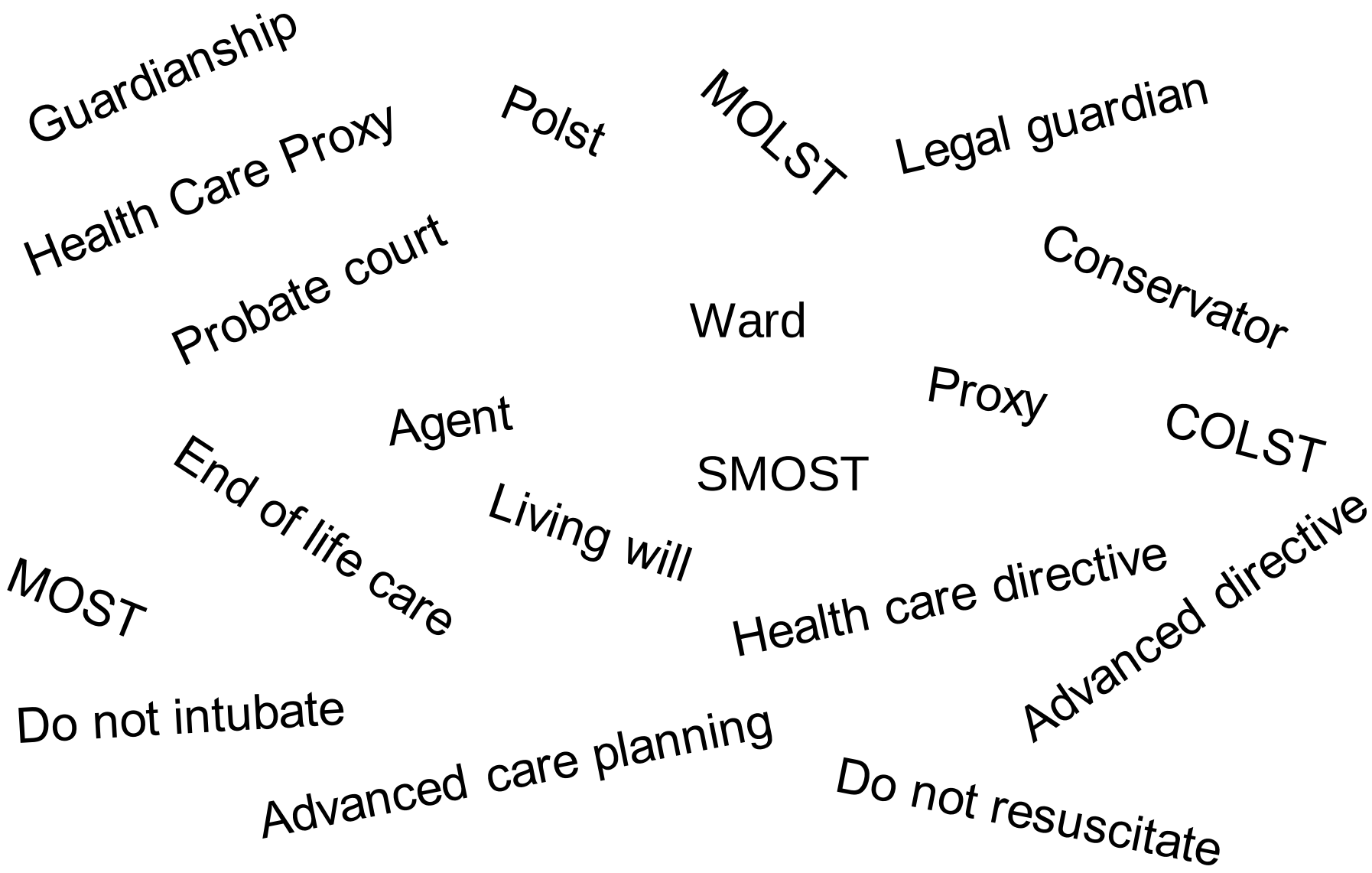


ALL OF US

WHEN?

- Transition to Adulthood (or before, or now)
- 18th birthday – The parent is no longer the legal guardian
- Assumption that the individual is competent
  - Make health care decisions
  - Able to understand risks and benefits of therapy
  - Make financial decisions

How?


Guardianship
Health Care Proxy
Polst
MOLST
Legal guardian
Probate court
Conservator
Ward
Proxy
Agent
COLST
End of life care
SMOST
Living will
MOST
Health care directive
Advanced directive
Do not intubate
Advanced care planning
Do not resuscitate

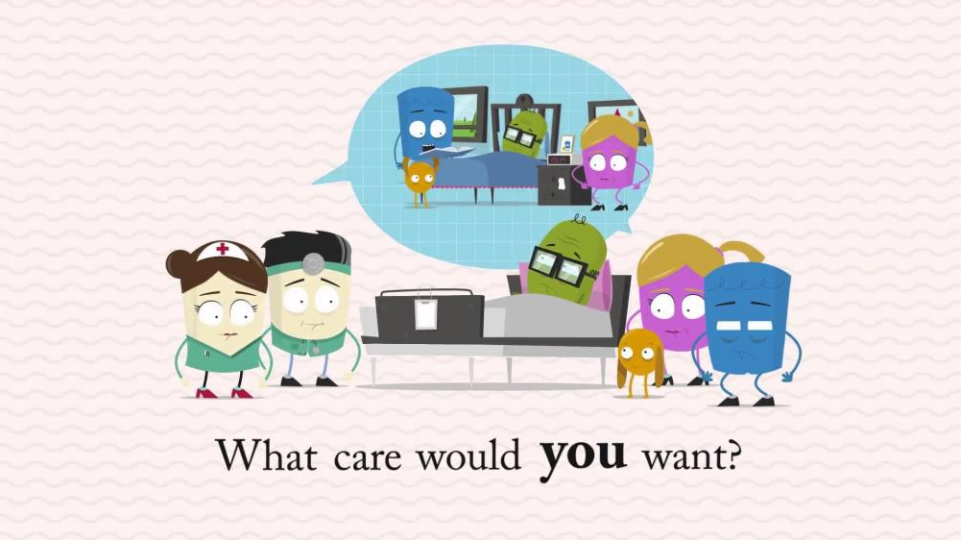
Advanced Care Planning

- The process of discussion of end-of-life care
  - Clarification of related values and goals
  - Embodiment of preference through written documents and medical orders
    - Can start at anytime
    - Be revisited periodically
    - Becomes more focused as health status changes

IOM (Institute of Medicine). 2015. Dying in America: Improving quality and honoring individual preferences near the end of life. Washington, DC: The National Academies Press.

Advanced Care Planning

… is an iterative process over time to discern the individual's priorities, values, and goals of care and to engage a proxy and others who may participate in the health care decision making process in the future



Collins, Parks, and Winter 2006; President's Council 2005; Tulsky 2005

Advanced Care Planning Conversations

- Occur with a person's health care agent, primary clinician and other members of the clinical team
- Are recorded and updated as needed
- Allow for flexible decision making in the context of the patient's current medical situation

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Advanced Directives

- Patient-initiated documents
  - Living wills
    - Statement - the kinds of medical care a person does /does not want under certain specific conditions if no longer able to express those wishes
  - Durable power of attorney for health care - Proxy
    - Identifies the health care agent (person) who should make medical decisions in case of the patient's incapacity
- Medical orders (POLST/MOLST/DNR/DNI…)
  - Created with and signed by a health professional (MD/PA/NP) for someone who is seriously ill
  - As actual orders other health professionals including emergency personnel are required to follow them
- Laws differ state to state

Medical Orders

POLST - Physician orders for life-sustaining treatment

- Resuscitation
- Mechanical ventiltion
- Tube feeding
- Antiobiotic use
- Transfer to an ER (911 responders MUST honor)
- Admit to hospital
- Pain managment
- Indicated what advance directives have been created/who is your health care proxy

Polst – Advance Directives

TABLE 1

Differences between POLST and advance directives

CHARACTERISTICS	POLST	ADVANCE DIRECTIVES
Population	For the seriously ill	All adults
Time frame	Current care	Future care
Who completes the form	Health care professionals	Patients
Resulting form	Medical orders (POLST)	Advance directive
Health care agent or surrogate role	Can engage in discussion if patient lacks capacity	Cannot complete
Portability	Provider responsibility	Patient/family responsibility
Periodic review	Provider responsibility	Patient/family responsibility

POLST = Physician Orders for Life-Sustaining Treatment

Bomba. Cleveland Clinic Journal of Medicine, Vol 79, Number 7, 7/2012

Living Will

- Written or video statement about the kinds of medical care a person does or does not want under certain specific conditions if no longer able to express those wishes
  - Legal document
  - General guidelines (no life-support)
  - Specific instructions
    - Breathing tube, tube feeding, dialysis, antibiotics, Comfort care, organ and tissue donations, donating your body

Developing a Living Will

- Consider
  - Importance of being independent /self-sufficient
  - What you feel would make our life ot worth living
  - Treatment to extend ife in anysitureation or only if a cure is possible
- Discussion regarding your Living Will with
  - Your PCP, health care agnt, family and friends

Health Care Proxy

- Legal document in which you appoint someone (your Agent) to make decisions about medical treatment in the event that your are no longer mentally competent or able to communicate.
- Obligate conversion between you and your proxy
  - CPR, mechanical support, feeding tubes….
- Your agent will make health care decisions for you
  - After your doctor determines you are unable to
  - According to your Agent's assessment of your wishes
- You may want to select an alternate Agent is the first agent is not available

Health Care Proxy

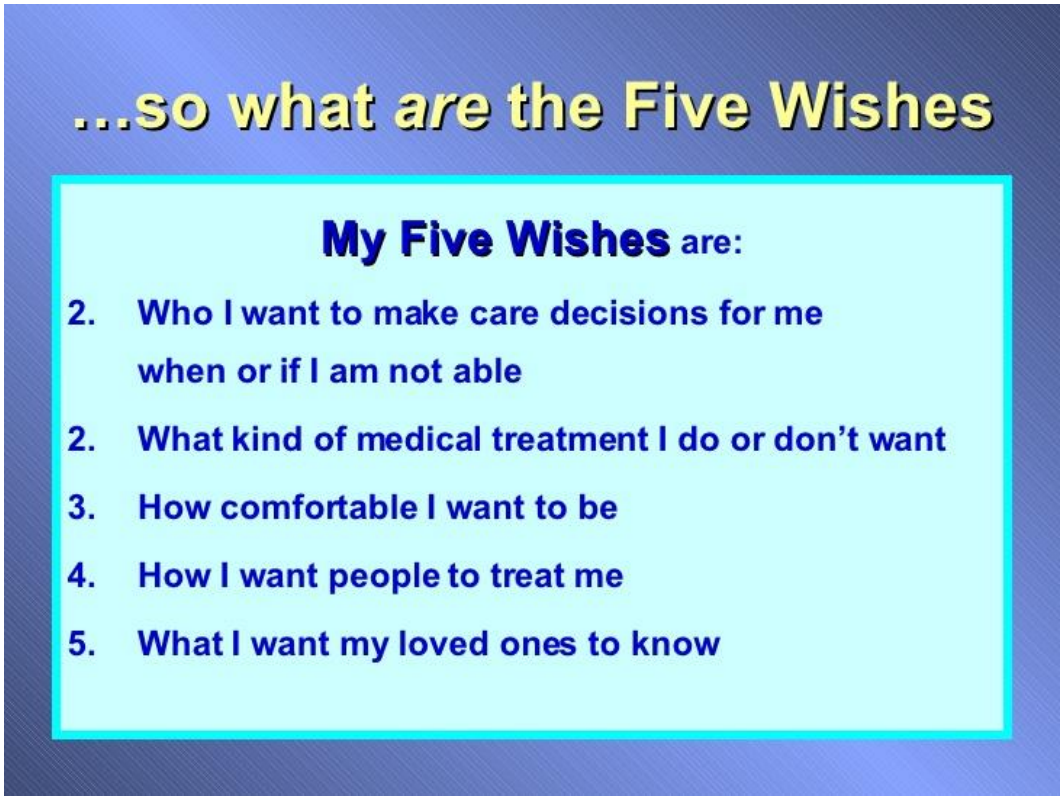
- Health care providers must follow your Health Care Proxy's decisions as if they were yours
- Does not need to be notarized
- Must be witnessed by two people
- If you object to decisions made by your proxy - your decision will be honored UNLESS a court determines that you lack capacity to make the decision

Health Care Proxy Revocation

- You sign another HCP
- You legally separate/divorce your spouse who was named as proxy
- You notify your Agent/health care provider you want to revoke it
- You do anything else that shows you want to revoke it – tear it up…

Who Should Have My Document?

- Make copies; keep the original with your important papers
- Give them to your Agent, your health care providers, family members, clergy, lawyer
- Carry a wallet card that states you have a document
- Carry a copy when traveling



- Five Wishes advance directive, created by the organization Aging with Dignity (2010), has been the only form actively marketed nationally.
- Single, personal, easy-to-use, and nonlegalistic instrument
- Robert Wood Johnson Foundation Grant / United Health Foundation Grant
- 27 Bilingual editions –Valid in most states

Charles Sabatino. The Evolution of Health Care Advance Planning Law and Policy. The Milbank Quarterly June 2010

Resources

- www.LawHelp.org
- Dying in America: Improving Quality and Honoring Individual Preference Near the End of Life IOM www.nap.edu
- www.CompassionAndSupport.org
- American Bar Association
- Conversation Project
- Center for Practical Bioethics
- *Your State* Health Care Proxy
  - Information, instructions and form