



The Family Protector Program™ Enrichment Curriculum: Using Your Health Care Planning

What is an Advance Directive?

A witnessed written document or an oral statement in which a person can indicate their wishes concerning their healthcare.

What are some types of Advance Directive documents?

- Designation of Health Care Surrogate (Durable Power of Attorney for Health Care) - enables the person to select an individual to make healthcare decisions in his/her behalf in the event of later incompetence/incapacity.
- Living Will - enables a person to indicate his/her choices regarding the use of life prolonging procedures under various circumstances in the event of later incompetence/incapacity.

What laws are the Advance Directives based on?

The federal Patient Self-Determination Act and the state of Florida's Health Care Advance Directive Act (Florida Statute Chapter 765).

Why is it important for me to complete an Advance Directive?

You may at sometime lose the ability to make sound judgment concerning medical treatment for reasons that may range from confusion caused by medication to coma following a major accident. The decision process concerning your medical care is made easier if you have designated someone to speak on your behalf and if you have previously expressed your wishes about medical care, including thoughts about life prolonging procedures.

Who can complete an Advance Directive?

Any competent adult (18 years and older). (Including an emancipated minor)

When are they considered valid?

To be valid, a competent adult must sign in the presence of two witnesses. Only one witness can be a spouse, family member or relative. The health care surrogate can not be one of the witnesses.

When do my Advance Directives take effect in a hospital?

- The Designation of Health Care Surrogate takes effect when your physician has deemed that you are unable to make your own decisions relating to healthcare.
- Living Will would be enacted only when your attending physician and a consulting physician determine that you are:
 - a. Unable to make your own medical decisions and (unlikely to regain this ability) AND
 - b. Either in a *terminal, persistent vegetative state, an end stage condition, or in any other condition that you specified in your Living Will.* (Refer to the Advance Directive Instructions for definitions of these conditions)

How long are Advance Directives valid?

These documents will continue indefinitely unless there is an expiration date on the document. They are valid as long as you have not been rescinded or declared them void. They become void at time of death.

While in the hospital, if I did NOT designate a Health Care Surrogate or have a court appointed guardian, who would be my "legal" decision-maker if I were unable to make medical decisions?

Health care decisions would be made, according to Florida law, by any of the following individuals in the following order of priority, if no individual in the prior class is reasonably available, willing or competent to act:

1. Spouse (Florida law does not recognize common law marriages as a legal marriage contract)
2. Adult children who are reasonably available for consultation (in person or by phone)
3. Parent(s)
4. Sibling(s) who are reasonably available for consultation (in person or by phone)
 - Being the oldest child does NOT give that child any higher priority.
5. Relative who has exhibited special care and concern for the patient and who has maintained regular contact with the patient and who is familiar with the patient's activities, health, and religious or moral beliefs.
6. Close Personal Friend - to qualify, the friend shall be 18 years of age or older, have exhibited special care and concern for the patient, and signs a Close Personal Friend affidavit stating he or she is a friend of the patient; and is willing and able to become involved in the patient's health care and has maintained regular contact with the patient so as to be familiar with the patient's activities, health, and religious or moral beliefs.

When is it of particular importance for a person to designate a Health Care Surrogate?

When a person is:

- Single
- Divorced, or contemplating divorce
- Separated
- Living with a significant other
- Being abused by the person who would be the proxy
- Not wanting the proxy to be decision maker
- Wanting to designate one person from the proxy category where there are several people.

When I am admitted as a patient to Florida Hospital, will I be asked about Advance Directives?

Yes, if you are an adult or emancipated minor inpatient. When you are admitted to a nursing unit, you will be asked to complete a Personal Health History form or your nurse will assist you. At this time, you will be asked about Advance Directives. You will also be given an Advance Directive form that has a summary of Florida Hospital's policy concerning Advance Directives.

If you have a prior completed Advance Directive, please bring a copy of your completed Advance Directive form with you to the hospital and give to your nurse. If you would like to complete one, please let your nurse know. If you have questions after reading the instructions on the back of the Advance Directive form, you may request to speak to a chaplain, case manager, or your physician. If after reading the instructions on the back of the Advance Directive form

Does a Living Will mean the person is not to be resuscitated in the event of a cardiac and / or respiratory arrest?

No, a Living Will does not mean "No Code" or "Do Not Resuscitate" (DNR). If a person is in the hospital and does not wish to be resuscitated in the event of a cardiac and/or respiratory arrest, he/she should discuss this with the attending physicians, so that a Do Not Resuscitate (DNR) order may be entered into that person's medical record.

What if a person is not in the hospital and does not want resuscitative efforts in the event of a cardiac and/or respiratory arrest?

A Do Not Resuscitate Order form must be completed. This form must be completed by both the person and the person's attending physician in order to be valid and in effect.