



PATIENT INFORMATION SHEET ADVANCE DIRECTIVES

Introduction to Advance Directives

Your right to make medical care decisions includes giving “advance directives” which are written instructions concerning your wishes about your medical treatment. These instructions are used in the event you become unable to make health care decisions for yourself. You must be given information on advance directives by Medicare and Medicaid funded hospitals, nursing homes, HMO’s, hospices, home health care and personal care programs at the time you are admitted as a patient or resident in any of these programs or facilities. You must also be given written information on facility and provider policies concerning advance directives. Please understand that you are not required to have an advance directive in order to receive care and treatment or for admission to a facility. You must only be informed about them. Whether or not you have an advance directive, you will receive the medical care and treatment appropriate for you condition and consistent with your consent and facility policies.

If you spend a great deal of time in more than one state, you may wish to consider having an advance directive that meets the requirements of the laws of all the states where you spend significant time. You should prepare an advance directive before you get too sick to think or communicate clearly. In Colorado, the following kinds of advance directives are recognized, the “Living Will” (which applies only in case of terminal illness); the “Medical Durable Power of Attorney” (which allows you to name an agent who can make decisions for you) and a “CPR Directive” which is a directive telling emergency, other health care personnel and others not to perform CPR on you. (“CPR” means cardio pulmonary resuscitation).

Any Living Will, Medical Durable Power of Attorney and CPR Directive may include a written statement indicating a decision regarding organ and tissue donations. Organ donations may also be accomplished by signing a separate document executed in accordance with the provisions of the “Uniform Anatomical Gift Act”. You should consult your health care provider for specifics. You should also notify your family of your decision to give an anatomical gift.

If you have prepared and signed an advance directive it will represent your wishes if you become unable to make health care decisions for yourself. These documents do not take away your right to decide what you want, if you are able to do so at the time a decision is needed.

If you have an advance directive form another state, it may still be valid in Colorado. However, it is recommended you prepare a new advance directive under Colorado law.

Medical Durable Power of Attorney

A medical durable power of attorney is a document you sign naming someone to make your health care decisions. The person you name is called your agent. Your agent stands in for you when it is time to make any and all medical or other health care decisions with your doctor. Your agent can get copies of your medical records and other information to make medical decisions for you.

There are other types of powers of attorney which allow an agent to make different kinds of decisions for you, including financial ones.

A Medical Durable Power of Attorney can make more health care decisions than a living will does and is not limited to terminal illness. You may give instructions of guidelines in your medical durable power of attorney telling your agent what you really want. You can cancel (revoke) your medical durable power of attorney at any time.

Your medical durable power of attorney can become effective immediately or you can make it effective when you become unable to make your own medical decisions. A Medical Durable Power of Attorney form is available upon request. The medical durable power of attorney discussed in this packet is the type which becomes effective only when you become unable to make your own health care decisions. If you want information on the one which can become effective immediately, you may want to talk to a lawyer.

You can appoint someone to be your health care agent as long as that person is at least 18 years old, mentally competent and willing to be your agent. Your agent does not have to live in Colorado, although you may want to choose someone nearby. If you appoint your spouse as your agent and then if you are divorced, legally separated, or your marriage is annulled, your former spouse is automatically revoked as your agent, unless expressly stated otherwise in your medical durable power of attorney.

It is important to talk to your doctor, your family and your agent about your medical care choice and your advance directive.

Living Wills

A living will is a document you sign telling your doctor not to use artificial life support measures if you become terminally ill, which means an incurable or irreversible condition for which the administration of life sustaining procedures will serve only to postpone the moment of death. In Colorado, your living will does not go into effect until two doctors agree in writing that you have a terminal condition.

In Colorado, living wills may be used to stop tube feeding and other forms of artificial nourishment, but only if your living will clearly says so. If you are able to take food by mouth, your living will won’t prevent you from being fed, in any case, artificial nourishment may be used if necessary to provide comfort or relieve pain.

Two witnesses must sign your living will. The following cannot witness or sign a living will; patients in the facility in which you are receiving care, any doctor or employee of your doctor, any employee of the facility or agency providing your care, your creditors, or people who may inherit your money or property.

Your doctor, lawyer, health care facility, other health organizations or an office supply store may have a Living Will document for you to complete. A Living Will which is consistent with Colorado Law is available upon request. This form, in addition to other versions meeting Colorado requirements is acceptable and may be used. Legal assistance is not required to complete a Living Will. If you have legal questions, you may want to talk with a lawyer.

You can cancel or change your Living Will at any time. You can do this by destroying it. You may also sign a statement that you no longer want to or you may prepare a new one. If you cancel or change your Living Will, you should tell your family members, your doctor and anyone who has a copy of it that it has been canceled or changed.

Cardio Pulmonary Resuscitation (CPR) Directive

A CPR (Cardio Pulmonary Resuscitation) Directive allows you, your agent, guardian, or proxy to refuse resuscitation. CPR is an attempt to revive someone whose heart and/or breathing has stopped by using special drugs and/or machines or very firm pressing of the chest.

If you have a CPR Directive and your heart and/or lungs stop or malfunction, then paramedics and doctors, emergency personnel or others will not try to press on your chest or use breathing tubes, electric shock or other procedures to get your heart and/or lungs working again.

Most health care facilities have a policy which requires that resuscitation be done unless there are written physician orders (DNR or Don Resuscitate Orders) or patient CPR Directives to the contrary. DNR orders are written by a physician when in a physician judgment, and often after consultation with the patient, resuscitation would not be appropriate.

Anyone over the age of 18 can sign a CPR Directive which becomes effective upon a physician's signature. CPR Directives are usually signed by patients with terminal illnesses. They are sometimes signed by very frail elderly patients who are not ill at the time but may in the future have small strokes, a weak heart, hardening of the arteries, failing liver or kidney or other conditions. If resuscitation is performed, it may result in the patient being paralyzed, forever unconscious, or unable to speak or understand.

Minors: After a physician issues a "Do Not Resuscitate" order for a minor child, and only then, the parent of the minor if married and living together or the custodial parent or legal guardian may execute a CPR Directive for the child.

If you do not have a CPR Directive or a DNR Order, you consent to CPR will be assumed. In most situations, hospital and nursing homes respond as if all patients want resuscitation unless they have refused it. Patients, families and/or agents, guardians or proxies are encouraged to check with the facility in question of their CPR Directive and DRN order policies.

Even if you have other types of advance directives, the use of a CPR Directive is strongly recommended if you do not want to be resuscitated. Colorado law does not require that a specific CPR Directive form be used. There is a state approved CPR form, but other CPR Directive forms may be used. Regardless of the form you use, you should inform family members of your wishes and about the locations of the CPR Directive form. If this directive is not found or you are not wearing a CPR necklace or bracelet, CPR will probably be initiated.

Signing a CPR Directive will not prevent you from receiving other kinds of needed medical care such as treatment for pain, bleeding, broken bones or other comfort care. A CPR Directive may be canceled at any time by the person who has initiated it. All original forms must be canceled.

CPR Directive forms may be obtained from your physician or from licensed health care facilities and is available upon request. This directive must be signed by you, or your agent or proxy and your doctor. The original copy must be available to appropriate personnel and you are urged to order and wear a necklace or bracelet that will quickly identify you as someone who does not want to be resuscitated. Order forms for the state approved necklace or bracelet are available at the time you and your doctor sign a CPR Directive form. There is a charge for the necklace or bracelet.

Substitute Decision Makers (Medical Proxies)

Under Colorado law, family members and close friends can select a substitute decision maker (proxy) for you if you do not have an advance directive or a guardian, and if a doctor or a judge determines that you are unable to make medical decision. Your spouse or parent or adult child, grandchild, brother/sister, or a close friend may be chosen as the proxy by mutual agreement.

When a doctor determines a patient is unable to make medical decisions, reasonable efforts must be made to tell you who the proxy is and the patient has the right to object to the proxy selected and any proxy's decision. If the patient is re-examined later and has regained decisions making capacity, the proxy is relieved of duty.

A proxy can make decision about all kinds of personal and medical care and shall comply with your wishes for medical care, if known. (If your wishes are not known, the proxy is to act in your best interest.) The proxy can decide to stop (or not to start) tube feeding only when two doctors agree that tube feeding would only prolong dying and is unlikely to help the patient recover. One of the doctors must be trained in neurology or neurosurgery.

If any of the people entitled to choose your proxy disagree with the choice, or with the proxy's actions, or no proxy can be agreed upon, then that person can ask the court to start a guardianship. Under Colorado's proxy law, no member of the group has "automatic" priority. The person chosen as your proxy should be the one who knows your medical wishes the best.