

What Is An Advance Directive For Health Care (Living Will)?

Q: What is an Advance Directive for Health Care?

A: An Advance Directive for Health Care is a written legal document which follows the language required by Oklahoma law. It may be signed by any person of sound mind and 18 years of age or older. Its purpose is to inform physicians and others of your wishes to decline or withdraw medical care when you have been diagnosed by an attending physician and another physician to have a terminal condition or illness or be persistently unconscious. The Advance Directive for Health Care may include a living will, the appointment of a health care proxy and directions for, organ donation. (A proxy is a person authorized to act for another.)

Q: Does the signing of an Advance Directive require witnesses and a notary public?

A: An Advance Directive may only be signed by the person to whom it applies. An Advance Directive is required by law to be signed before two witnesses over the age of 18 years of age who will *not* inherit from you. This is required to verify that the Directive has been willingly and voluntarily signed by a person of sound mind. The Advance Directive is not required to be signed before a notary public. It is recommended that underneath your final signature in the Advance Directive that you add your birth date and social security number.

Q: What is the living will portion of an Advance Directive?

A: In the living will portion of your Advance Directive you may direct that life-sustaining treatment be withheld or withdrawn if such treatment would only serve to prolong dying if you have a terminal condition and are unable to make your own decisions or are persistently unconscious. As part of this Living Will you may elect whether you desire the artificial administration of food and water under these circumstances.

You may also give other specific medical directives regarding other treatments such as pain medication, dialysis, use of antibiotics and emergency resuscitation. One could even use the other medical directive section alone to direct that all possible treatment be given to preserve existence regardless of the prognosis or likelihood of success.

Q: What is the health care proxy portion of an Advance Directive?

A: This section allows a person you appoint and an alternate to make decisions in consultation with your physician about life-sustaining treatments you are to receive if you are unable to make your own decisions and are determined to be terminally ill or persistently unconscious. In this section you can also direct that your health care proxy be allowed to make decisions about artificial administration of food and water, dialysis, and other special medical treatments. It is important that you explain

your desires to your health care proxy and alternate.

Q: What does "terminal condition" mean?

A: A terminal condition is an incurable, irreversible condition that, even with the administration of life-sustaining treatment, such as ventilators, breathing machines, pacemakers, heart beat stimulators, and drugs to stimulate heart and lungs, will, in the opinion of your attending physician and another physician, result in death within six (6) months.

Q: What is "life-sustaining treatment?"

A: Life-sustaining treatment means any medical procedure or intervention, including administration of cardiac and pulmonary resuscitation (commonly called CPR), artificial giving of food and water through intravenous solutions, nasal or surgically inserted feeding tubes, which could prolong the process of dying or maintain you in a condition of persistent unconsciousness. It does not include the giving of medication or medical treatment necessary to alleviate pain, nor does the term include the normal consumption of food and water by mouth.

Q: What does the term "persistently unconscious" mean?

A: "Persistently unconscious" means an irreversible condition as determined by your attending physician and another physician, in which thought and awareness of self and environment are absent.

Q: If I have signed the health care proxy portion, do I need to sign the living will portion?

A: While this is not required, it is a good idea to sign the living will portion to direct what treatment you want given if neither your health care proxy nor alternate is available to direct the care you want.

Q: May I direct organ donation in my directive?

A: Section III entitled "Anatomical Gifts" gives you the opportunity to direct organ donations you may desire. Under Oklahoma law, your family cannot preempt your decision for organ donation directed in your Advance Directive.

Q: What happens if my attending physician does not want to comply with my wishes as expressed in my Advance Directive?

A: If you have completed an Advance Directive and have been diagnosed by two physicians as terminal or persistently unconscious as defined in the directive, and your attending physician or other health care provider does not want to comply with your wishes, that party is required by law to promptly so advise you, and as promptly as practical, to take all reasonable steps to arrange your care by another physician or health care provider. If your physician or health care provider refuses to comply with a medical treatment decision made by you in the Advance Directive or by you if you have decision-making capacity, and if such refusal would, in reasonable medical judgment, likely result in your death, then your physician or health care provider must comply with your decision.

pending your transfer to a physician or health care provider willing to comply with your directions. Completing an Advance Directive does not change your doctor's obligation to provide treatment for your pain or other comfort care.

Q: Is the Advance Directive honored by my attending physician if I am pregnant?

A: No. If the attending physician is aware of the patient's pregnancy, the Advance Directive will not be operative during the course of the pregnancy. Also, in cases where a possibility of pregnancy exists (considering the patient's age and other factors), the physician may be required to determine whether or not a patient is pregnant.

Q: Can I be required to complete an Advance Directive?

A: Although having an Advance Directive may be a good idea, it is illegal for anyone to require that you execute one as a condition of receiving health care services or health insurance coverage. It is also illegal for anyone to modify your life insurance coverage, or to refuse to issue life insurance coverage to you because you have executed an-Advance Directive.

Q: Does the Advance Directive require my signature more than one time?

A: The Advance Directive requires your signature multiple times. You should, however, sign your name on a signature line only where you understand and agree with the language immediately above the signature line. You may decide not to sign on one or more signature lines in both the Living Will portion and in the Health Care Proxy portion of the Advance Directive. Remember that this is a legal document and if questions arise concerning portions that seem unclear, you may wish to discuss them with your doctor or attorney.

Q: How is the Advance Directive different from a Do-Not-Resuscitate (DNR) Consent?

A: The DNR Consent is a legal directive that may be used by persons who, because of their condition, want to direct that CPR not be given under any circumstance, in the event of heart or respiratory stoppage. This directive does not affect a health care provider's duty to provide other emergency care including the Heimlich maneuver.

Q: If I sign an Advance Directive how am I protected from a misjudgment by a physician?

A: Oklahoma law requires a separate, and agreeing, determination of your affliction with a terminal condition or persistently unconscious by a second physician, put in writing and filed as part of your medical records at the facility where you are a patient.

Q: Can I revoke a signed Advance Directive?

A: Yes. An Advance Directive may be revoked by you, either entirely or as to any part, at any time and in any manner, regardless of your mental or physical condition. You may revoke the Advance Directive by destroying it, by communicating that desire to the attending physician or other health

care provider, by revoking the Advance Directive before a witness, or by having a witness to the revocation so inform your attending physician or other health care provider.

Q: If I have signed more than one Advance Directive, which one will be effective?

A: In the event you signed more than one valid Advance Directive, none of which have been revoked by you, the most recently signed Advance Directive will be considered your last wishes.

Q: Is a document executed in another state directing end-of-life care honored in Oklahoma?

A: If you signed a formal document in another state, which provides for the withholding or withdrawal of life-sustaining treatment or for the appointment of another to withhold or withdraw life-sustaining treatment, and that document complied with the law of the state in which signed, it is valid in Oklahoma to the extent it does not exceed authorizations under Oklahoma law.

Q: After signing an Advance Directive, to whom should I give copies of it?

A: You should consider making copies of your Advance Directive for your personal records, your family, your physician, your attorney, your health care proxy and alternate health care proxy. Have additional copies ready to take with you when you require hospitalization or other care as your health care providers will need a copy for your medical record. You should keep a list of persons to whom you have given a copy of your Advance Directive so that if you later change it or revoke it, you may collect the copies.

Q: Where can I acquire a copy of an Advance Directive?

A: A copy of an Advance Directive for Health Care may be obtained from the Oklahoma Bar Association, the Oklahoma State Medical Association, the Department of Human Services, your attorney or at www.okabcd.org.