Advance Directives: What Are They and Why Are They Important?

By: Dr. Denise Brandon

At a Glance:

- An Advance Directive provides a way for persons who are providing health care to you to know your wishes if you are not able to make your own decisions. Two of these types of directives are Appointment of a Health Care Agent (Formerly Durable Power of Attorney for Health Care) and Advance Care Planning (formerly Living Will).

Time Required:
- 45 minutes

Core Message(s):
- People have the right to make their own health care decisions. Advance Directives can help people communicate their treatment choices when they would otherwise be unable to make such decisions.

Objectives:
- As the result of participating in this learning session, learners will:
  - Know where to find sample forms for completing advance directives
  - Know what to consider when choosing a Health Care Agent and a successor agent
  - Know who can qualify as a witness to an Advance Care Plan
  - Understand when Advance Care Directives go into effect
  - Know who should have copies of Advance Care Directives and where to safely store them
  - Understand how the Physician Orders for Scope of Treatment (POST) Form relates to Advance Directives

Outcomes:
- Participants will appoint a Health Care Agent and Successor Agent.
- Participants will develop an Advance Care Plan

Materials Needed:
- Power Point Presentation
- Sample Advance Care Plan Form
- Sample Appointment of Health Care Agent Form
- Sample Appointment of Surrogate Form
- List of resources about advance care directives

Getting Ready
- Make copies of the handouts for expected number of participant
- Make a copy of the notes pages corresponding with the Power Point
- Review the Power Point presentation
FOR YOUR INFORMATION

“Tennessee Law has changed”

On July 1, 2004, a new law went into effect that made several changes to the Living Will and Medical Power of Attorney forms. Most importantly the law created new forms with new terms for this process. The new forms are written in clear, easy to understand language. Persons who want to take advantage of these changes should complete those new forms – Advance Care Plan and Appointment of Health Care Agent. These forms are available online at http://health.state.tn.us/AdvanceDirectives/.

A Medical Power of Attorney is a term used in the State’s law prior to 2004. In the new law this is referred to as an Appointment of Health Care Agent. An Appointment of Health Care Agent is a type of advance directive that allows individuals to name a person to make health care decisions for them if they are unable to make them for themselves.

A “Living Will” is the term used in Tennessee’s prior law. In 2004, Tennessee law changed the name of the form “Living Will” to “Advance Care Plan”. An Advance Care Plan is a document that tells a doctor how the patient wants to be treated if terminally ill or permanently unconscious. Individuals can use an Advance Care Plan to tell the doctor to avoid life-prolonging interventions such as cardiopulmonary resuscitation (CPR), kidney dialysis or breathing machines. Individuals can also indicate that they just want to be pain free and comfortable at the end of life. Other special instructions or limitations in can be included in the form.

If someone already has a Living Will or Medical Power of Attorney completed prior to July 1, 2004, the form does not have to be changed. Both forms will continue to be honored.

A third component of the Advance Directives legislation of 2004 required that a form be created that could travel with the patient across treatment settings to provide a mechanism to communicate patients’ preferences for end-of-life treatment. This form is called POST, an acronym for Physician Orders for Scope of Treatment. POST is for patients who have chronic progressive illnesses or who are terminally ill. It is a standardized form containing orders by a physician who has personally examined a patient regarding that patient’s preferences for end of life care. It complements, but does not replace Appointment of Health Care Agent &/or Living Will/Advance Care Plan. It is effective immediately upon written order when all requirements have been met. The requirements for a valid POST include,

- Patient’s name and signature (Patient signature is optional according to facility policy)
- Treatment Orders
- Physician’s signature (MD/DO)
- Basis for orders
The **POST** form includes the patient’s name and date of birth and information about the scope of treatment such as whether to provide CPR, level of intervention such as care to provide comfort only, intermediate care or full treatment, whether or not the person is to be hospitalized for any reason except comfort, and provision or withholding of certain types of treatment. This information can be included in the Advance Care Plan or provided by the Health Care agent to the patient’s physician.

**POST** addresses more than just do not resuscitate (DNR) orders. It also addresses
- Comfort level
- IVs/Nutrition
- Antibiotics
- Documents what individual was involved in discussion
- Signature of patient, parent/guardian or Health Care Agent
- POST complements and reinforces wishes expressed in an Advance Directive
- POST is a physician’s order that should be immediately used to direct the care of the patient
- It is recommend very ill patients have both, POST & Advance Directive

If there is no Advance Directive, patients could receive more medical interventions than they desire.

In summary,
- **POST** provides a better means to identify and respect patient’s wishes
- **POST** completions will improve end-of-life care throughout the system
- The **POST** Form can be found at the following websites:
  - www.tennessee.gov/health
  - www.endoflifecaretn.org

**TEACHING THE LESSON**

**Welcome:**
Today we will talk about a topic that may make you feel uneasy. We will talk about plans for end-of-life care. However, when you think about it, having a plan for that time of your life can lessen your worries about the future and help to reduce the stress on your family members when that time comes. How many of you have heard of an Advance Care Plan or a Health Care Agent? (Allow participants to raise their hands and note how many are familiar with these terms.) These are components of Advance Directives that were introduced into Tennessee Law in 2004.

**Anchor:**
Do you remember the coverage of the Terri Schiavo story on the news several years ago? The courts had been given the power to determine whether her life support should continue or not when her husband and parents could not agree. Terri Schiavo was only 27 years old when she collapsed in her home and experienced respiratory and cardiac arrest on February 25, 1990, resulting in extensive brain damage, a diagnosis of persistent vegetative state (PVS) and 15 years of institutionalization. She had formerly been healthy and employed. She did not have a living will or anyone designated with medical power of attorney.
In all, the Schiavo case involved 14 appeals and numerous motions, petitions, and hearings in the Florida courts; five suits in federal district court; legislation introduced at the state and federal levels, and four denials to review the case in the U. S. Supreme Court. Ultimately, the courts decided, based on testimony presented, that Terri would not want to continue to remain on life support to sustain her life. The local court’s decision to disconnect Schiavo from life support was carried out on March 18, 2005, and Schiavo died of effects of dehydration at a hospice on March 31.1

Regardless of your opinion about this particular case, it does point to the need for persons to make plans for end-of-life care, regardless of age, to avoid this type of prolonged legal battle that drains family members of finances and places them under a tremendous amount of stress. This presentation is designed to help you avoid that type of situation in your own life by making you aware of how you can appoint someone to make health care decisions for you, if you are unable to make them for yourself, and how you can make your end-of-life wishes known to your family and caregivers.

Add:
Show the Power Point presentation Advance Directives: What are They and Why are They Important? Use the notes supplied with the slides or the information at the beginning of this lesson plan as the script to accompany the slides.

Apply:
Distribute copies of the state Advance Care Plan to participants and go over what each of the sections means. Instruct them that they can take the form with them to complete it and follow the instructions at the end of the document to make sure that their wishes are carried out.

Review:
Have a copy of the FAQs concerning the Advance Directives to answer any questions from participants. Remind them that the Advance Directive allows them to appoint a Health Care Agent and Alternate Agent and allows them to designate the level of intervention they want to receive when they have reached the end stage of their lives. The POST form helps to ensure that health care providers have that information and will carry out your wishes.

Away:
Ask for a show of hands concerning the following:
- How many of you will visit the State website about Advance Care Directives (http://health.state.tn.us/AdvanceDirectives/) before the next meeting (if you have access to the internet)?
- How many of you plan to complete an Advance Care Plan before the next meeting?
- How many of you plan to share this information with a friend or family member?

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1 information obtained from Wikipedia, July 19, 2009 at http://en.wikipedia.org/wiki/Terri_Schiavo_case
ADDITIONAL ACTIVITIES
If time allows and you have access to the Internet at the meeting site, you can visit the state Website (http://health.state.tn.us/AdvanceDirectives/) and show participants the kind of information they can find there.