

Advance Directives

Course

Principles of Health Science

Unit

Ethical/Legal

Essential Question

Who can make medical decisions when you cannot speak for yourself?

TEKS

130.202(c)9A, 9D

Prior Student Learning

Basic understanding of patient rights.

Estimated time

1.5 hours

Rationale

The health care provider must know client's rights and choices, and the legalities associated with them.

Objectives

Upon completion of this lesson, the student will be able to

- examine legal documents frequently used in health care.

Engage

Mr. Smith, a 78-year-old male, was involved in a motor vehicle accident. He is in critical condition and doctors worry that they may need to put him on a respirator. If they only knew how he felt about life support. Who should make this decision?

Key Points**According to AllLaw.com and lectlaw.com**

A living will is a legal document that a person uses to make known his or her wishes regarding life-prolonging medical treatments. It can also be referred to as an advance directive, health care directive, or physician's directive. A living will should not be confused with a living trust, which is a mechanism for holding and distributing a person's assets to avoid probate. It is important to have a living will as it informs your health care providers and your family about your desires for medical treatment in the event you are not able to speak for yourself.

The requirements for a living will vary by state so you may want to have a lawyer prepare your living will. Many lawyers who practice in the area of estate planning include a living will and a health care power of attorney in their package of estate planning documents. If you need to write or update a will or trust, you can take care of your living will at the same time.

Generally, a living will describes certain life-prolonging treatments. You should indicate which treatments you do or do not want applied to you in the event you either suffer from a terminal illness, or are in a permanent vegetative state. A living will does not become effective unless you are incapacitated; until then you'll be able to say what treatments you do or don't want. They usually require a certification by your doctor and another doctor that you are either suffering from a terminal illness, or permanently unconscious, before they become effective as well. This means that if you suffer a heart attack, for example, but otherwise do not have any terminal illness and are not permanently unconscious, a living will does not have any effect. You would still be resuscitated, even if you had a living will indicating

that you don't want life-prolonging procedures. A living will is only used when your ultimate recovery is hopeless.

For situations where you are incapacitated and therefore not able to speak for yourself, but your health is not so dire that your living will becomes effective, you should have a health care power of attorney or health care proxy. A health care power of attorney is a legal document that gives someone else the authority to make health care decisions for you in the event you are incapacitated. The person you designate to make health care decisions on your behalf is supposed to consider what you would want, so be sure to talk with them about it. It may be a difficult conversation – you're asking someone to take on a great burden for you – but letting him or her know what you want lessens that burden.

Power of attorney is a document that allows you to appoint a person or organization to handle your affairs while you're unavailable or unable to do so. The person or organization you appoint is referred to as an "Attorney-in-Fact" or "Agent."

General Power of Attorney – authorizes your Agent to act on your behalf in a variety of different situations.

Special Power of Attorney – authorizes your Agent to act on your behalf in specific situations only.

Health Care Power of Attorney – allows you to appoint someone to make health care decisions for you if you're incapacitated.

"Durable" Power of Attorney – The general, special and health care powers of attorney can all be made "durable" by adding certain text to the document. This means that the document will remain in effect or take effect if you become mentally incompetent.

Revocation of Power of Attorney – allows you to revoke a power of attorney document.

A **do not resuscitate** document is a binding legal document that states resuscitation should not be attempted if a person suffers cardiac or respiratory arrest. Abbreviated **DNR**, such an order may be instituted on the basis of an advance directive from a person, or from someone entitled to make decisions on their behalf. In the state of Texas a DNR is written when the physician, family, and patient agree that quality of life would be so decreased that resuscitation should not be preformed.

None of these documents will do you any good if no one knows about them. You have to talk with your doctor and the person you designate as your health care proxy. Discuss with your doctor what kinds of end-of-life medical treatments you want. He or she can help you by answering any questions you have about certain treatments. Once you've decided what it is you do or don't want, make your wishes known to your doctor and your family.

Activity

- I. Have students search the internet for free living will and durable power of attorney forms, and compare and contrast the two. Then discuss the findings with the class. Assign students to talk with their parents to see if they have filled out either form, and what their wishes are.
- II. Complete the **Advance Directives Worksheet**.

Assessment

Successful completion of a living will.

Materials

Computers with Internet

Advance Directives Worksheet Key

Accommodations for Learning Differences

For reinforcement, the student will make a list of legal terms and then make a crossword puzzle using those terms.

For enrichment, the student will view the movie "A Fate worse than Death" and develop a multimedia presentation.

National and State Education Standards

National Health Science Cluster Standards

HLC08.01 Health care workers will understand the legal responsibilities, limitations, and implications of their actions within the health care delivery setting.

TEKS

130.202(c)(9)A recognize situations related to autonomy; and

130.202(c)(9)D review documentation related to rights and choices.

Texas College and Career Readiness Standards

Cross-Disciplinary Standards

1.B. 1. Reasoning- Consider arguments and conclusions of self and others.

Advance Directives Terminology Worksheet

1. A _____ is a document that states who will get your money and property after you die.
2. A _____ is a legal document stating a person's wishes regarding life-prolonging medical treatments.
3. A document which allows you to appoint someone to make health care decisions for you if you're incapacitated is called _____.
4. A document which allows you to revoke a power of attorney document is called _____.
5. A _____ authorizes your Agent to act on your behalf in a variety of different situations.
6. A document which will remain in effect if you become mentally incompetent by adding the word _____ to other documents.
7. A document filled out by the physician, patient, and family in cases where quality of life is severely decreased is called a _____ or a _____.

Advance Directives Terminology
Work sheet KEY

1. Will
2. Living Will
3. Health Care Power of Attorney
4. Revocation of Power of Attorney
5. General Power of Attorney
6. "Durable"
7. Do not resuscitate (DNR)