Advance Directive: It's your right to decide

As an adult client of KC CARE Health Center you have certain rights. For example, you have a right to confidentiality of your personal and medical records and to know what treatment you will receive.

As a competent adult client, you also have another right. You have a right to make a written statement known as an "advance directive." The statement makes provisions, in advance, as to the kind of treatment you want or do not want under special, serious medical conditions – conditions that would prevent you from telling your doctor how you want to be treated. For example, if you are in a coma and are taken to a hospital, would you want the hospital's medical staff to know your specific wishes about decisions affecting your treatment?

This brochure answers some questions about advance directives and your legal choices in making decisions about medical care and is intended to increase your control over medical treatment decisions.

The information in this brochure can help you make decisions in advance of treatment. However, because this is an important matter, you may wish to talk to family, close friends, and your doctor before deciding whether you want an advance directive.

WHAT IS AN ADVANCE DIRECTIVE?

An advance directive is generally a written statement, which you complete in advance of serious illness, of how you want medical decisions made. the two most common forms of advance directives are:

- A living will (also referred to as a healthcare directive) and,
- A durable power of attorney for health care.

An advance directive allows you to state your choices for health care or to name someone to make those choices for you if you become unable to make decisions about your medical treatment. In short, an advance directive can enable you to make decisions about your future medical treatment. You can say "yes" to treatment you want or "no" to treatment you don't want.

WHAT IS A LIVING WILL?

A living will (health-care directive) generally allows you to state in advance your wishes regarding the withdrawal or withholding of life-prolonging procedures if you become unable to make your own decisions. It takes effect while you are still living. It may also be possible to complete and sign a standard health care directive form available in your own community, draw up your own form, or simply write a statement of your preferences for treatment. You may also wish to speak to an attorney or your provider to be certain you have completed the living will in a way that your wishes will be understood and followed.

More information about livings wills can be found in Sections 459.010-459.655 RSMo.

WHAT IS A DURABLE POWER OF ATTORNEY FOR HEALTH CARE?

In Missouri, a durable power of attorney for health care is a signed, dated, and witnessed paper naming another person, such as a parent, husband, wife, daughter, son, or close friend, as your "agent" or "proxy" to make medical decisions for you if you should become unable to make them for yourself. You can include instructions about any treatment you want or don't want, such as surgery or artificial feeding.

More information about durable powers of attorney for health care can be found in Sections 404.800 – 404.865, RSMo.

WHICH IS BETTER: A LIVING WILL OR A DURABLE POWER OF ATTORNEY FOR HEALTH CARE?

It is possible to have both or to combine them in a single document that describes treatment choices in a variety of situations (ask your doctor about these) and name someone (called your "agent" or "proxy") to make decisions for you, should you be unable to make decisions for yourself. The living will may serve as evidence for your agent or proxy regarding the use of life prolonging procedures.

DO I HAVE TO WRITE AN ADVANCE DIRECTIVE?

No. It is entirely up to you. Your care and treatment by KC CARE providers are not affected by whether you have an advance directive.

MAY I CHANGE MY MIND AFTER I WRITE A LIVING WILL OR DURABLE POWER OF ATTORNEY FOR HEALTH CARE?

Yes. You may change or cancel these documents at any time in accordance with state law. Any change or cancellation should be written, signed, and dated in accordance with state law, and copies should be given to your family doctor and others to whom you gave copies of the original. If you cancel your advance directive, be sure to tell your primary care provider or other persons in charge of your care.

If you wish to cancel an advance directive while you are in the hospital, notify your doctor, your family, and others who may need to know.

Even without a change in writing, your wishes stated in person directly to your doctor generally carry more weight than a living will or durable power of attorney for health care; but be sure to state your wishes clearly, and be sure they are understood.

WHAT IF I FILL OUT AN ADVANCE DIRECTIVE IN ONE STATE AND RECEIVE CARE OR TREATMENT IN A DIFFERENT STATE?

The law on honoring an advance directive from another state is unclear. Because an advance directive tells your wishes regarding medical care, however, it may be honored wherever you are if it is made known. But if you spend a great deal of time in more than one state, you may wish to consider having your advance directive meet the laws of both states as much as possible.

WHAT SHOULD I DO WITH MY ADVANCE DIRECTIVE IF I CHOOSE TO HAVE ONE?

Make sure your KC CARE Health Center primary care provider and someone such as your lawyer or family members know that you have an advance directive and know where it is. You might also consider the following:

- If you have a durable power of attorney for health care, give a copy to your agent or proxy.
- Ask your provider to make your advanced directive part of your permanent medical record.
- Keep a copy of your advance directive in a safe place where it can be found easily if needed.
- In your purse or wallet, keep a small card that states that you have an advance directive, where it is, and the name of your agent or proxy if you have named one.

When you enter a healthcare facility, hospital, nursing home, or receive home health services or are admitted for care, you may be asked whether you have an advance directive.