#### **TENNESSEE**

# ADVANCE DIRECTIVE FAQS

Answers to the most common questions about Advance Directives for Health Care.

#### What is an Advance Directive for Health Care?

An Advance Directive is a way to make your health care wishes known if you are unable to speak for yourself or prefer someone else to speak for you. An Advance Directive can serve one or both of these functions:

- Appoint Health Care Agent /Durable Power of Attorney for Health Care
- Instructions about Health Care you want

# Is the Advance Directive different from a Durable Power of Attorney for Health Care?

No. Under legislation enacted in 2004, the Advance Directive replaced the Durable Power of Attorney for HealthCare. Both forms allow you to name a person to make health care decisions for you if you are not able to make them for yourself. However, if you had already completed a Durable Power of Attorney for Health Care form that was valid before July 1, 2004, it is still valid.

#### Why should I complete an Advance Directive for Healthcare?

People of all ages may unexpectedly be in a position where they cannot speak for themselves, such as an accident or severe illness. In these situations, having an Advance Directive assures that your doctor knows your wishes about the kind of care you want and/or who the person is that you want to make decisions on your behalf.

# Does this mean only one person can decide for me? What if I want others involved too?

Often many family members are involved in decision making, and most of the time, that works well. Occasionally, people will disagree about the best course of action, so it is usually best to name one person as the agent (with a backup, if you want). You may also indicate if there is someone who you do NOT want to make your decisions for you.

### Why don't doctors make all the life-and-death decisions?

Doctors tell you about your medical condition, the different treatment options that are available to you and what may happen with each type of treatment. Though doctors provide guidance, you or your designated decision maker makes the decision to have a treatment, refuse a treatment or stop a treatment.

## What if something happens to me and no form has been completed?

If you are not able to speak for yourself, the doctor and health care team will turn to one or more family members or friends. The most appropriate decision maker is the one with a close, caring

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relationship with you, is aware of your values and beliefs and is willing and able to make the needed decisions.

### Why should I share my values and beliefs?

It's a good idea to talk with family or close friends about the things that are important to you regarding quality of life and how you would want to spend your last days. Knowing the things that are most important to you will help your loved ones make the best decisions possible on your behalf.

### What kinds of things can I write in my Instructions for Health Care?

In addition, to selecting a Health Care Agent, You can, if you wish, write your preferences about accepting or refusing life-sustaining treatment (like CPR, feeding tubes, breathing machines), receiving pain medication, making organ donations, any funeral arrangements or indicating your main doctor for providing your care, or other things that express your wishes and values.

#### What is a POST form?

POST stands for Physician Orders for Scope of Treatment. It is a medical order which must be signed by your physician, that indicates the types of life-sustaining treatment you do or do not want if you are seriously ill. POST asks for information about your preferences for CPR, feeding tubes, etc. POST doesn't replace your Advance Directive, but when you are seriously ill, it helps translate it into medical orders that must be followed in all health care settings. If you have a POST form it must follow you when you are transferred from one facility to another, or discharged home.

### If I appoint an agent, what can that person do?

Your agent can make all decisions for you, just like you would if you could. Your agent can choose your doctor and where you will receive your care, speak with your health care team, review your medical record and authorize its release, accept or refuse medical treatments. You should instruct your agent on these matters so he or she knows how to decide for you. The more you tell your agent the better he or she will be able to make those decisions on your behalf. Your agent cannot, however, overrule your instructions given in an Advance Directive, unless you give your agent that authority in your Advance Directive form.

### When does my agent make decisions for me?

Usually the agent makes decisions only if you are unable to make them yourself – such as, if you've lost the ability to understand things or communicate clearly. However, if you want, your agent can speak on your behalf at any time, even when you are still capable of making your own decisions. You can also appoint a "temporary" agent – for example, if you suddenly become ill, you can tell your doctor if there is someone else you want to make decisions for you. This oral instruction is just as legal as a written one.

#### Are there other oral instructions that don't involve a written form?

Yes. You can make an individual health care instruction orally to any person at any time, and it is considered valid. All health care providers must document your wishes in your medical record. But it

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is often easier to follow your instructions if they are written down, and more reliable than relying on oral instructions at times when you may be too ill to give them.

#### Can I make up my own form or use one from another state?

Yes. Any type of form is legal as long as it is in writing and includes these two things:

- 1. Your signature and date,
- 2. Your signature must be witnessed and signed by two qualified witnesses OR by a Notary Public. (If not notarized, one of the two witnesses must be a person who is not related to you by blood, marriage or adoption and who will not receive any property or money from you after your death. Neither of them can be your agent).

# Can I still make my own health care decisions once I have created an Advance Directive?

Yes. Your Advance Directive does not become effective until you are incapable of understanding your choices or clearly expressing your own wishes. As long as you understand the choices and express your wishes, you have the right to make your own decisions.

### Do I need an attorney to help with this?

No. Completing an Advance Directive for Health Care isn't difficult, and an attorney is not necessary. But the most important part of this is talking to your loved ones. Without that conversation, the best form in the world may not be helpful!

### What should I do with the form after I complete it?

Make copies for all those who are close to you. Take one to your doctor to discuss and ask that it be included in your medical record. Photocopied forms are just as valid as the original. Be sure to keep a copy for yourself in a visible, easy-to-find location – not locked in a drawer.

### What if I change my mind?

You can revoke your form or your oral instructions at any time. Also, it's a good idea to try to find old forms and replace them with new ones.

# Can doctors or hospitals require a patient to have an Advance Directive or POST form?

No, they cannot require you to complete one. But doctors and hospitals should have information available to you and your family about the forms and your right to make health care decisions.