

ADVANCE DIRECTIVES
PATIENT SELF-DETERMINATION ACT

I. PURPOSE

- A. To comply with the Patient Self-Determination Act of 1991 by informing each patient of his/her right to accept or refuse health care and complete an advance directive document.

II. GENERAL INFORMATION

- A. _____ Hospital is a public hospital dedicated to the care of disabled, sick, suffering and dying persons. _____ Hospital respects life, supports individual dignity and the pursuit of patient well being.
- B. _____ Hospital respects the rights of the patient and recognizes the individual needs of each patient to make informed decisions regarding his or her medical care, including the decision to continue or discontinue health care treatment to the extent permitted by state and federal law.
- C. An advance directive is a legal document exercising a person's right to accept or refuse medical care, even when he/she can no longer make his/her own decisions. The advance directive may include:
1. Living Will- describes in writing the type of health care he/she does/does not wish to receive in certain medical conditions, such as terminal illness or persistent vegetative state.
 2. Durable Power of Attorney for Health Care- states type of health care he/she does/does not wish to receive in certain medical conditions as well as appoint a proxy, or agent, to make health care decisions for him/her if he/she can no longer make his/her own decisions. Always include the name of the appointed proxy.
 3. Oral Requests- if adequately documented in the medical record, may also be treated as a patient's preference with regard to treatment decisions.
- D. Patients are considered competent to make decisions about their own health care when they are able to demonstrate understanding of the nature and extent of the disease process and the possible consequences of alternative treatments or the withholding of treatment. Competent patients are alert and oriented to name, time and place.
- E. Terminal condition is the end stage of disease when the likelihood of recovery does not exist and death is the expected outcome.

III. POLICY

- A. It is the right of a competent adult (19 years of age or older, or married) to make his/her own decision regarding, accepting or rejecting medical or surgical treatment after having been informed about the benefits, risks, and consequences of initiating, withholding or withdrawing such treatment.

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- B. The advance directive can express the individual's preference to have life-sustaining procedures initiated, continued, withheld or withdrawn in the event the individual is in a terminal condition or persistent vegetative state and is unable to participate in decisions regarding continuing his or her further care.
- C. _____ Hospital will comply with the requirements of Nebraska law concerning advance directives.
- D. All competent adult patients will be asked if they have advance directives. If they do not have advance directives they will be offered written information about their right to formulate an advance directive under Nebraska State law, their right to make decisions concerning their medical care and their right to accept or refuse medical or surgical treatment.
- E. If a patient has an advance directive, as soon as possible after admission, the physician and other health care personnel will be informed of the existence of a patient's advance directive. The provisions of the advance directive will be reviewed with the patient by the physician and nursing staff as soon as possible after admission and periodically thereafter as responsible for implementing the provisions of the advance directive. If the physician refuses to implement the provisions of a patient's advance directive, which are not against Nebraska law, the physician shall refer the patient to another physician.
- F. The advance directive is designed to allow the individual to exercise his or her autonomy in making health care decisions and to offer a means of ensuring that the patient's wishes with regard to their treatment will be honored.
- G. _____ Hospital is not responsible for assuring the validity of the advance directive if it otherwise appears to be properly executed.
- H. A copy of all advance directives received by _____ Hospital will be placed in the respective patient's medical record.
- I. _____ Hospital will provide information on executing an advance directive. _____ Hospital does not provide legal counsel to an individual desiring to formulate a written advance directive. Patients will be encouraged to contact their own legal counsel to complete an advance directive form. _____ Hospital employees may not serve as witnesses to a patient's advance directive.
- J. A patient may revoke or change the provisions of their advance directive at any time. A revocation of the advance directive is effective when it is communicated to the attending physician by the patient or through another health care professional at _____ Hospital. Changes to advance directives must be done in accordance with applicable law and revised copy

given to the attending physician and the hospital.

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- K. _____ Hospital will educate staff about the issues concerning advance directives.
- L. _____ Hospital will not condition the provision of care or otherwise discriminate against an individual based on whether or not the patient has executed an advance directive.
- M. _____ Hospital will comply with a patient's advance directive in so far as our policy will allow. If unable to comply, we will assist in transferring the patient to another facility that can comply with the patient's wishes.

IV. PROCEDURES

A. Admissions/Reception

1. Ask the competent adult patient if they have an advance directive during the admission process and document the question and answer on the Admission-Dismissal Sheet. If a patient is admitted in a comatose or otherwise incapacitated state and unable to receive information concerning advance directives or to state whether or not he/she has executed an advance directive, the information will be given to a member of the patient's family, their legal surrogate or other concerned person. This fact should be noted in the patient's records.
2. If the patient has an advance directive, a copy of the advanced directive should be sent to the nursing unit with the admitting documents.
3. Provide patient with the advance directive written information.

B. Nursing

1. Document in the patient's nursing assessment form whether or not the patient has an advance directive.
2. Place a copy of the advance directive in the patient's medical record.
3. Answer any questions about the advance directive with the patient or their representative.
4. Notify the attending physician of the existence of an advance directive.
5. If the patient was not competent at the time of admission and thus did not receive the information on advance directives, they shall receive said information if they become competent during their hospitalization.

C. Physician

1. Review the advance directives with the patient or their representative and document such review in the medical record.
2. Inform the physician consultants of the presence of an advance directive for the patient.
3. Review the initial plan of care and treatment options with the patient to determine the patient's understanding and preferences.

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4. When the events triggering the advance directive occur with respect to the patient, write explicit physician orders on the physician order form to implement the advance directive.
5. The attending physician shall comply with any advance directive so long as it does not conflict with the policies of the hospital or with state law. However, if the physician is unwilling to comply with the provisions in the advance directive, the physician shall notify the patient and make arrangements to refer the patient's care to another physician. Medical care will continue by the attending physician until the transfer occurs in accordance with standard medical practice.
6. Discuss options in the plan of care with a patient as changes in the patient's condition occur.
7. Respond to changes made by the patient in their advance directive.

D. Patient

1. Present a copy of his/her advance directive document to the admission/reception clerk. Also encourage the patient to give his/her physician and the ambulance squad a copy of the advance directive.
2. Provide a copy of their advance directive to hospital staff if the advance directive is formulated after admission.
3. Notify the nursing staff or physician of the revocation of an advance directive or of changes that need to be made in the patient's advance directive.

E. All Departments

1. If the patient or their representative requests additional information about advance directives or about the hospital's policies regarding advance directives or treatment decision making, such requests should be referred to the RN in charge, social services or the attending physician. Such inquiries or requests and the answers and/or referrals offered in response, as well as any follow up action, should be described in the progress note section within the patient's medical record.

F. Dismissing Nurse

1. Upon transfer to another facility, a copy of the advance directive will be sent with the transfer form.

G. Administration

1. Administration shall make training on advance directives available to all hospital staff, including medical staff.
2. In order to assure that the community served by the Hospital is knowledgeable about advance directives and a patient's rights to consent to and refuse treatment, _____ Hospital will provide community education through written materials made available at the facility, which includes an individual's rights under Nebraska law.

