

What does the law require for a healthcare directive?, cont...*A living will must:*

- State how you want your healthcare decisions to be made in the future.
- Be signed or marked by you and dated.
- Be notarized or witnessed in the same way as described above for a healthcare power of attorney.

A pre-hospital medical care directive must:

- Be in the exact form required by law
- Be printed on an orange background.
- Be signed or marked by you and dated.
- Be signed by a licensed healthcare provider and a witness.

If you have signed an orange pre-hospital medical care directive, you may also want to wear a special orange bracelet at all times that will identify you outside of the hospital as someone who does not want cardiopulmonary resuscitation (CPR). It must state your name, the doctor's name, and the words "do not resuscitate." This bracelet will call to the attention of emergency medical personnel that you have signed the form and that you do not want CPR outside a hospital or in a hospital emergency room.

You should talk to your doctor about pre-hospital directives if you are thinking about signing one. Forms are available through the Office of Emergency Medical Services in the Department of Health Services, although any pre-hospital directive which is in the exact form that meets the requirements of the law may be used.

What is the difference between a pre-hospital medical care directive and a "Do Not Resuscitate" (DNR) order?

When you are outside a hospital, a pre-hospital medical care directive would provide a request that if your heart stops, you do not want CPR to restore your heartbeat.

If you are a patient inside a hospital or nursing home at the time your heart stops and you do not want CPR to restore your heartbeat, you need a "Do Not Resuscitate" (DNR) order written by your doctor to convey your preference. Discuss this option with your doctor and identify the cases in which you'd want him/her to issue a DNR order. Patients and families may obtain forms through the hospital, during admission.

How can you make your advance or healthcare directive available?

Recently, the Arizona Secretary of State's Office launched the *Arizona Healthcare Directives Registry* to help you to make your healthcare wishes clear if you are unable to communicate. Hospitals and doctors throughout the state may access the registry if they have your password.

Applicants complete an advance directive and a registry application, then mail or hand deliver the documents to the Secretary of State's Office. Verification of applicant information will occur before it goes into the registry.

Who should have copies of your healthcare directives?

It is very important that you give copies to your doctors at once and to any healthcare facility upon admission. You should give copies to anyone you have named to make healthcare decisions for you in a healthcare power of attorney. You may also want to give copies to close family members. Be sure to keep extra copies for yourself.

Sources of information and forms

The following organizations provide healthcare directive forms and information:

Arizona Healthcare Directives Registry
www.azsos.gov/adv_dir

Aging and Adult Administration State of Arizona
1789 West Jefferson, Site Code 950A
Phoenix, AZ 85007
602-542-4446

**Dorothy Garske Center
Your Healthcare Choice Program**
2140 E. 5th Street, Suite 8
Tempe, AZ 85281
480-966-2674

Your local Area Agency on Aging and Senior Center may also have forms and information.

American Association of Retired Persons (AARP)
601 "E" Street, N.W., Washington, D.C. 20049
202-434-AARP

National Hospice and Palliative Care
1700 Diagonal Road, Suite 625
Alexandria, VA 22314
1-800-989-9455
caringinfo.org

The following organization will provide information and answer questions about healthcare directives and related legal matters:

Arizona Senior Citizens Law Project
1818 South 16th Street
Phoenix, AZ 85034
602-252-6710



SCOTTSDALE
HEALTHCARESM

7400 E. Osborn Road, Scottsdale, AZ 85251-6403
480-882-4636

www.shc.org

Decisions About Your Healthcare



PATIENT INFORMATION

*A Summary of Arizona State Law on
Advance Directives*

Healthcare directives ease the burden on your loved ones

You are getting this information about your rights to make or control your own healthcare decisions. We hope this information will help you. You are also encouraged to talk with your family, your doctor and anyone else who could help you in these matters.

Making Healthcare Decisions and Directives

Who makes your healthcare decisions?

You do if you can make and communicate them. Your doctors should tell you about the treatments they recommend, other reasonable alternatives and important medical risks and benefits of that treatment and the alternatives. You have the right to decide what healthcare, if any, you will accept.

What happens if you become unable to make or communicate your healthcare decisions?

If you plan ahead, you can still have some control over your healthcare decisions even if you are later unable to communicate. One way to do this is to make an advance or healthcare directive that names someone to make these decisions for you or controls these decisions. It's beneficial for that person to know your preferences on medical treatment. If you have not named someone in a healthcare directive, your doctors must seek a surrogate, or a person authorized by law to make these decisions.

What is an advance or healthcare directive?

An advance or healthcare directive is a written statement about how you want your healthcare decisions made. Under Arizona law, there are three common types of healthcare directives.

They are:

- A *healthcare power of attorney*, which is a written statement in which you name an adult to make healthcare decisions for you. That person will make healthcare decisions for you only when you cannot make or communicate such decisions yourself.
- A *living will*, which is a written statement about healthcare you want or do not want. This document is to be followed if you cannot make your own healthcare decisions. For example, a living will can say whether you would want to be fed through a tube if you were unconscious and unlikely to recover.
- A *pre-hospital medical care directive*, which is a directive refusing cardiopulmonary resuscitation, a type of lifesaving emergency care if, outside a hospital or in a hospital emergency room, you have a heart attack or can't breathe. To make one, you must complete a special orange form.

These directives, used separately or together, can help you say "yes" to treatment you want and "no" to treatment you don't want.

Must your healthcare directives be followed?

Yes. Both healthcare providers and surrogates must follow valid healthcare directives.

Can you be required to make a healthcare directive?

No. Whether you make a healthcare directive is entirely up to you. A healthcare provider cannot refuse care based on whether or not you have a healthcare directive.

Can you change or revoke a healthcare directive?

Yes. If you change or revoke a healthcare directive, you should notify everyone who has a copy.

Who can legally make healthcare decisions for you if you are unable to make your own decisions and if you have not made a healthcare power of attorney?

A court may appoint a guardian to make healthcare decisions for you. Otherwise, your healthcare provider must go down the following list to find a surrogate to make healthcare decisions for you:

1. Your husband or wife, unless you are legally separated.
2. Your adult child. If you have more than one child, a majority of those who are available.
3. Your mother or father.
4. Your domestic partner, unless someone also has financial responsibility for you.
5. Your brother or sister.
6. A close friend of yours. (Someone who shows special concern for you and is familiar with your healthcare views.)

If your healthcare provider can't find an available and willing surrogate to make healthcare decisions for you, your doctor can decide with the advice of an ethics committee or, if this is not possible, with the approval of another doctor.

You can keep anyone from becoming your surrogate by saying, preferably in writing, that you do not want that person to make healthcare decisions for you.

A surrogate will not have the right to decide to have tubes withdrawn from you that are used to give you food or fluids unless:

- You have appointed that surrogate to make healthcare decisions for you in a healthcare power of attorney; or
- A court has appointed that surrogate as your guardian to make healthcare decisions for you; or
- You have stated in a healthcare directive that you do not want this specific treatment.

Additional information for anyone who already has or wants to make a healthcare directive

What if you already have a living will or other healthcare directive?

A healthcare directive that was valid when made anywhere in the U.S. is valid under Arizona law. You should review your healthcare directives periodically and update them as needed.

Do you need a lawyer to make a healthcare directive?

No. Just be sure that your directive is valid under Arizona law.

What does the law require for a healthcare directive?

A healthcare power of attorney must:

- Name a person to make healthcare decisions for you if you become unable to make your own decisions. You may also name an additional person or persons to make decisions for you if your first choice cannot serve. The person or persons must be at least 18 years old.
- Be signed or marked by you and dated.
- Be signed by a notary or by an adult witness or witnesses, who saw you sign or mark the document and who say that you appear to be of sound mind and free from duress. A notary or witness cannot be the person you name to make your decisions and cannot be providing healthcare to you. If you have only one witness, that witness cannot be related to you or someone who will get any of your property from your estate if you die.