

ADVANCED DIRECTIVES

Michigan Notice to Patients

REQUIRED BY THE PATIENT SELF DETERMINATION ACT ("PSDA"): YOUR RIGHTS TO MAKE MEDICAL TREATMENT DECISIONS

Prepared by the Michigan Department of Public Health, Bureau of Health Systems, November 1991

We are giving you this material to tell you about your right to make your own decisions about your medical treatment. As a competent adult, you have the right to accept or refuse any medical or surgical treatment and to formulate Advanced Directives. "Competent" means you have the ability to understand your medical condition and the medical treatments for it, to weigh the possible benefits and risks of each such treatment and then to decide whether you want to accept treatment or not.

WHO DECIDES WHAT TREATMENT I WILL GET?

As long as you are competent, you are the only person who can decide what medical treatment you want to accept or reject. You will be given information and advice about the pros and cons of different kinds of treatment. You can ask questions about your options. But, only you can say "yes" or "no" to any treatment offered. You can say "no" even if the treatment you refuse might keep you alive longer. Even if others want you to have it.

WHAT IF I AM IN NO CONDITION TO DECIDE?

If you become unable to make your own decisions about medical care, decisions will have to be made for you. If you have not given prior instructions, no one will know what you would want. There may be hard questions: for instance, would you refuse treatment if you were unconscious and not likely to wake up? Would you refuse treatment if you were going to die soon no matter what? Would you want to receive any treatment your care givers recommend? When your wishes are not known, your family or the courts may have to decide what to do.

WHAT CAN I DO NOW TO SEE THAT MY WISHES ARE HONORED IN THE FUTURE?

While you are competent, you can name someone to make medical treatment decisions for you should you ever be unable to make them for yourself. To be certain that the person you name has the legal right to make those decisions, you must fill out a form called a Durable Power of Attorney for Health Care or a Patient Advocate Designation. The person named in the form to make or carry out your decisions about treatment is called a Patient Advocate. You have the right to give your Patient Advocate, your care givers and your family and friends written or spoken instructions about what medical treatment you want and do not want to receive.

WHO CAN BE MY PATIENT ADVOCATE?

You can choose anyone to be your Patient Advocate as long as the person is at least 18 years old. You can pick a family member, a friend, or any other person you trust. You should make sure that person is willing to serve by signing an acceptance form. It is a good idea to name a backup Patient Advocate. Just in case the first person is unwilling or unable to act when the time comes.

WHERE CAN I GET A PATIENT DESIGNATION FORM?

Many Michigan hospitals, nursing homes, homes for the aged, hospices, and home health care agencies have forms available. Many senior citizens' groups, churches and civic groups do, too. You can also get a free form from various members of the Michigan legislature. Many lawyers also prepare Patient Advocate Designations for their clients. The forms are not alike. You should pick the one, which best suits your needs.

HOW DO I SIGN A PATIENT ADVOCATE DESIGNATION FORM SO THAT IT IS VALID?

All you have to do is fill in the name of the advocate and sign the form in front of two witnesses. But, that is not as simple as it sounds. Under this law, some people cannot be your witness. Your spouse, parents, grandchildren, children and brothers or sisters, for example, cannot witness your signature. Neither can anyone else who could be your heir or who is named to receive something in your will, or who is an employee of a company that insures your life or health. Finally, the law disqualifies the person you name as your Patient Advocate, your doctors and all employees of the facility or agency providing health care to you from being a witness to your signature. It is easier to make a Patient

Advocate Designation before you become a patient or resident of a health care facility or agency. Friends or co-workers are often good people to ask to be witnesses, since they see you often and can, if needed, swear that you acted voluntarily and were of sound mind when you made out the form.

DO I HAVE TO GIVE MY PATIENT ADVOCATE INSTRUCTIONS?

No. A Patient Advocate Designation can be used just to name your Patient Advocate, the person you want to make decisions for you. But written instructions are generally helpful to everybody involved. And, if you want your Patient Advocate to be able to refuse treatment and let you die, you have to say so

specifically in the Patient Advocate Designation document. Any other instructions you have you can either write down or just tell your Patient Advocate. Either way, the Patient Advocate's job is to follow your instructions.

CAN I JUST GIVE INSTRUCTIONS AND NOT NAME A PATIENT ADVOCATE?

Yes, you can simply tell somebody, for example, your care giver or your family and close friends, what your wishes are. Better yet, you can write what is called a "Living Will," which is a written statement of your choices about medical treatment. Even though there is not yet a state Living Will law, courts, and health care providers still find Living Wills valuable. Those taking care of you will pay more attention to what you have written about your treatment choices, whether in a Patient Advocate Designation or a Living Will. They can be more confident they know what you would have wanted. Most doctors, hospitals and other health care providers will also pay attention to what you have said to others. Especially your family, about medical treatment. But again, it is better for all involved if you write your wishes down.

DO I HAVE TO MAKE A DECISION NOW ABOUT MY FUTURE MEDICAL TREATMENT?

No. You do not have to fill out a Patient Advocate Designation or a Living Will and you do not have to tell anybody your wishes about medical treatment. You will still get the medical treatment you choose now, while you are competent. If you are not competent, but you have made sure that your family and friends know what you would want, they will be able to follow your wishes. Without instructions from you, your family or friends and care givers may still be able to agree on how to proceed. If they do not, a court may have to name a guardian to make decisions for you.

IF I MAKE DECISIONS NOW, CAN I CHANGE MY MIND LATER?

Yes. You can give new instructions in writing or verbally. You can also change your mind about naming a Patient Advocate at all. You can cancel a Patient Advocate Designation at any time. You should review your Patient Advocate Designation or Living Will at least yearly. Make sure it still accurately states how you want to be treated and/or names the person you want to make decisions for you.

WHAT ELSE SHOULD I THINK ABOUT?

Treatment decisions are difficult. We suggest you to think about them in advance and discuss them with your family, friends, advisors, and care givers. You should ask your facility or agency about their treatment policies and procedures to be sure you understand them and how they work. If you want more information about a Patient Advocate Designation or Living Will, or sample forms, ask your care givers for help. Many facilities and agencies have staff available who can answer your questions. Additional materials may be obtained from your state representative or senator.