

Jefferson Ambulatory Surgery Center

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ADVANCE DIRECTIVES

In the state of Louisiana, all patients have the right to participate in their own health care decisions, make Advanced Directives, and to execute a Power of Attorney that authorizes others to make decisions on their behalf based on the patient's expressed wishes when the patient is unable to make decisions or unable to communicate decisions. Jefferson Ambulatory Surgery Center recognizes and respects the rights of our patients, even when they can no longer participate in decisions regarding their medical treatment.

Most procedures performed in this facility are considered to be minimal risk. Of course, no surgery is without risk. Therefore, it is our policy, regardless of the contents of any Advance Directive or instructions from a health care surrogate or attorney-in-fact, that if an adverse event occurs during your treatment at this facility, we will initiate resuscitative or other stabilizing measures and transfer you to an acute care hospital for further evaluation. At the acute care hospital, further treatments or withdrawal of treatment measures already begun will be ordered in accordance to your wishes, Advance Directive, or Healthcare Power of Attorney. Your agreement with this facility's policy will not revoke or invalidate any current health care directive or healthcare power of attorney.

There are two types of Advance Directives:

- Living Will
- Durable Power of Attorney for Health Care Decisions

Below is a list of frequently asked questions. We hope that you will find this information informative and helpful. If you would like to complete an advance directive or have any further questions, please ask one of our staff members for assistance.

Frequently Asked Questions

What is the difference between a living will and a durable power of attorney?

Living Will: a written document that explains your wishes relating to the use, maintenance, withholding, and/or withdrawal of "life-sustaining procedures." Options for "life-sustaining procedures" may include (depending upon circumstances): CPR, mechanical ventilator breathing (breathing machine), and/or intravenously administered nutrition (food/water through tube feeding). This document is only used in the event that two physicians determine you have a terminal condition and you are unable to make decisions regarding "life-sustaining procedures."

Durable Power of Attorney for Health Care Decisions: a signed document that allows you to designate another person (proxy) to make medical decisions on your behalf in the event you are unable to do so yourself. Although not required, it is strongly recommended that a Durable Power of Attorney be executed before a notary public and before two witnesses.

Do I have to make an Advance Directive?

No, you are not required to make an Advance Directive

How can I make an advance directive?

For the day of your procedure, Jefferson Ambulatory Surgery Center can provide you with an Advance Directive. The Advance Directive provided by the facility will only be valid for the day of your procedure.

If you wish to obtain an Advance Directive that will last indefinitely, you can have one drawn up through an attorney's office or obtain a copy via the state's website: <http://www.caringinfo.org/UserFiles/File/Louisiana.pdf> to have notarized.

When completing the Advance Directive, remember that the Living Will must be signed and dated by you and must be executed in front of two witnesses. The witnesses also must sign the Living Will. The two witnesses must be competent adults who are not related to you by blood or marriage and are not entitled to any part of your estate at the time of your death. Note: If a witness fails to meet the criteria, the Living Will is invalid.

If you execute a Durable Power of Attorney for Health Care Decisions, you should do so before a notary public and two witnesses. While execution of a Durable Power of Attorney before a notary public is not legally required, doing so makes it easier for third parties to validate authority claiming to act on your behalf.

Discuss your wishes with your family and physician. Make copies of your Advance Directive for yourself, physician, and your proxy if you signed a durable power of attorney. You should bring a copy of your Advance Directive to the hospital whenever admitted. Your Advance Directive will be kept as a permanent part of your medical record when you present it.

Can I change my mind, if I already signed an Advance Directive?

Yes, you can always amend or make changes to your Advance Directive. You should review it regularly and make changes as necessary. Always inform your family, physician, and proxy of any changes. You can cancel your Advance Directive by destroying it (and any copies), by writing a signed statement expressing your desire to cancel the directive, or simply by speaking your wishes or indicating them by gestures if you are unable to speak.

Can my family stop my advance directive from being honored?

No, unless someone can prove that you were not of sound mind when you signed the advance directive. If a situation such as this should arise at Jefferson Ambulatory Surgery Center, the Ethics Committee would assist in resolving any problems.

Why is it a good idea for me to make an advance directive?

- It ensures that your wishes will be honored.
- It protects your family from the stress and responsibility of making difficult decisions.
- It allows you to still have control over your healthcare, even if you can't speak for yourself.

If I create a living will, can I refuse certain treatments, but allow others?

Yes, you determine what treatment will or will not be provided. Your advance directive can accept or refuse specific treatments such as: CPR, mechanical ventilation, tube feedings, dialysis, and may even specify wishes for organ donation.

If I have an advance directive, will it prevent me from receiving healthcare if my condition is not terminal or irreversible?

No, advance directives are used only when an individual's condition is terminal or irreversible. It will not prevent an otherwise healthy person from receiving life-saving care when needed.

What if I am a member of the military or am another person that qualifies for legal assistance by the department of defense and have a living will or durable power of attorney that does not comply with these requirements?

Federal law provides that Living Wills and Durable Powers of Attorney executed by military personnel (including reserves and Louisiana National Guard) or others who qualify for legal assistance from the U.S. Department of Defense and which were prepared by a government attorney are valid. Such military Living Wills and Durable Power of Attorney include the following paragraph:

This is a **MILITARY ADVANCE MEDICAL DIRECTIVE** prepared pursuant to Title 10, United States Code, Section 1044(c). It was prepared by an attorney who was authorized to provide legal assistance for an individual who was eligible to receive legal assistance. Federal law exempts this advance medical directive from any requirement of form, substance, formality, or recording that is provided for advance medical directives under the laws of a State. Federal law specifies that this advance medical directive shall be given the same legal effect as an advance medical directive prepared and executed in accordance with the laws of the State concerned.