ADVANCE DIRECTIVE

PLANNING AHEAD
Know your choices, share your wishes

Life is about choices. You make choices throughout your life about many things. You choose a career. You choose where you want to live. You choose what kind of car you want to drive. We take for granted our ability to make our own decisions. No one – regardless of age – ever wants to think he or she may someday be unable to make his or her own decisions, especially when it affects the quality or length or your life. But sometimes medical situations arise that prevent people from communicating their wishes about medical intervention and/or life-prolonging care.

This brochure was prepared to assist you in making end-of-life decisions. Your decisions can be communicated in a written document called an advance directive.

Advance Directives

It is important to think what your health care choices would be if you become unable to speak for yourself. Those decisions can be written down in a document called an advance directive, a legal document that helps ensure that your health care wishes will be respected. Preparing an advance directive allows you to put your wishes regarding medical care—including the refusal of care in certain circumstances—in writing. That way, if you become severely injured, terminally ill, unconscious, or otherwise unable to express your wishes, your wishes still will be respected.

These decisions about medical care are not easy to make, but making them when you are healthy is easier than when you are ill or in a crisis. If a decision ever has to be made on whether life-prolonging measures should be used, being able to refer to your own wishes can help reduce stress on family members at a time when they might be feeling anxious, sad, or helpless. It assures that your wishes regarding medical care are respected.

The value of preparing an advance directive is not limited to older or very sick people. Sometimes young people and their families are faced with similar decisions after an accident or unexpected illness.
Here are a few questions you should ask yourself as you prepare your advance directive:

- How have you lived your life and how do you define the quality of life?
- What medical care and treatments, if any, would you choose to continue your life?
- What life-prolonging care and treatments would you decline?
- Do you prefer to die at home or not?
- Have you informed your family and health care provider of your choices?

Remember, advance planning reduces uncertainty about how you want to be cared for at the end of your life. We hope you will discuss your decisions with those closest to you and that you will put your wishes in writing. By making choices in advance, many patients find peace of mind and assurance knowing their desires will be carried out in the event of a medical crisis. Family and friends appreciate the guidance your decisions provide.

Your advance directive should be copied and shared with your doctor, attorney, caregiver, family and friends.

Frequently Asked Questions

Here are some common questions and answers about advance directives:

**What are advance directives?**

Advance directives are one or more documents written in advance of a serious illness that state your choices about medical treatment and/or name someone to make choices about medical treatment for you should you become unable to speak for yourself. Each state regulates the use of advance directives.

**Who can complete an advance directive?**

Anyone of sound mind who is:

- 18 years old or older; or
- An emancipated minor

**Am I required to complete an advance directive?**

No. You are not required to complete an advance directive. Completing an advance directive is your choice. If you choose not to complete one, it will not affect your health plan coverage or access to care.

**What is Kaiser Permanente’s policy about advance directives?**

Kaiser Permanente’s policy supports our patients’ rights to make decisions regarding their health care and to execute advance directives that will be honored. One way Kaiser Permanente does this is by having a place in members’
medical records to show whether they have an advance directive. Keep in mind, though, that some outside providers or hospitals may have different practices as to the implementation of advance directives. You may want to ask your physician about his or her policy on implementing advance directives.

What kinds of advance directive forms are recognized in Georgia?

Before July 1, 2007, Georgia law recognized two types of advance directives: a living will and a durable power of attorney for health care. Georgia law has since combined these two forms into one simple form called a Georgia Advance Directive for Health Care.

What is a Georgia Advance Directive for Health Care?

The Georgia Advance Directive for Health Care is a standard form of advance directive for health care provided by Georgia law. It is a written legal document that combines the best features of the living will and durable power of attorney for health care into one document. The form allows you to put in writing your wishes regarding medical care – including the refusal of medical care in certain circumstances - so that your wishes will be respected, even if you become unconscious or otherwise unable to express them. The form can be used to designate a health care agent and a back-up health care agent, to indicate your treatment preferences, and to nominate a person to be your guardian. The form does not need to be notarized.

What if I already have a durable power of attorney for health care and/or a living will?

Durable power of attorneys for health care and living wills signed before July 1, 2007 are still valid, and will remain valid unless revoked. You are not required to complete a new form. However, if you decide to complete a new Georgia Advance Directive for Health Care form, the newly completed form will replace any other advance directive for health care, durable power of attorney for health care, health care proxy, or living will that is currently in place.

Why would I want to complete an advance directive?

Medical science and technology are becoming more advanced, allowing physicians to keep people alive even when there is little hope for recovery. If a decision ever has to be made on whether life-sustaining measures should be used, being able to refer to your own wishes can help reduce stress on family members. It also can help avoid a possible legal battle. Most importantly, having an advance directive assures you that your wishes regarding medical care will be respected.

Are advance directives just for very sick or older people?

No. The value of an advance directive is not limited to those groups. A serious illness or a severe accident can happen to a person at any time in their life.
How do you decide what medical care you wish to receive or not to receive?

- Consider your values and beliefs, lifetime goals, present state of health, and other issues of importance.
- Talk to your health care physician, family, friends, and minister.
- Think about what is important to you and try to make informed decisions.

How do you write an advance directive?

After you make your decision, put your decision in writing. An advance directive for health care must be in writing, signed by you, and attested and signed by two adult witnesses. You may use any form of advance directive for health care that complies with Georgia law. However, Georgia law provides a standard form of advance directive for health care known as the Georgia Advance Directive for Health Care. The standard form will be treated as complying with Georgia law if it is properly completed and signed.

What do you do with the form once completed?

The best approach is to make several copies of your completed advance directive. Keep the original form at home in a place where it can easily be found if it is needed. You should give a copy of the completed form to your health care agent as well as your primary care physician during an office visit so it can be put into your medical records. You should also consider giving a copy of the completed form to people who might be contacted if you become seriously ill, such as close family members and friends. Keep a record of who has copies so that if you change or cancel the document, you can change or destroy all of the copies. Also, make sure your family members and friends—as well as your physician—know about your decision.

What if I change my mind about what I have written in my advance directive?

You can change or revoke (“cancel!”) an advance directive at any time. If you decide to change your advance directive, complete a new advance directive for health care. Be sure to tear up the original and all outdated copies and provide copies of the new advance directive for health care to your primary care physician, health care agent, family, and friends. If you decide to cancel your advance directive, tear up the original and all copies and let your primary care physician, health care agent, family and friends know that you have cancelled your advance directive.

Does the doctor have to follow my advance directive?

There are times when a physician may reject a medical decision made by you or your health care agent based on your advance directive for health care. You should be aware that under Georgia law, any physician who as a matter of conscience cannot honor an individual’s advance directive must help transfer that patient to a physician who will honor it. In addition, the federal law prohibits discrimination against a patient based on whether that person has an advance directive. You may want to discuss with your individual physician any objections he or she may have to the implementation of advance directives.
How do I report noncompliance with advance directives?

Complaints concerning noncompliance with advance directives may be filed with the Georgia Department of Human Services Division of Aging Services.

Where do I get more information on advance directives?

Kaiser Permanente offers a free, Georgia Advance Directive for Health Care form that meets the legal requirements for the state of Georgia, as well as more information about advance directives. You can get copies of the form from any Kaiser Permanente medical facility administration office, download individual copies for free at www.kp.org, or call Kaiser Permanente to have a copy mailed to you. The contact information is below:

- **Kaiser Permanente’s Member Services**
  - Senior Advantage members (Medicare) call: (404) 233-3700 or 1-800-232-4404 (TTY for hearing/speech impaired: 711) seven days a week from 8 a.m. to 8 p.m.
  - All other members call: (404) 261-2590 or 1-888-865-5813 Monday-Friday, 7 a.m. to 7 p.m.

You may also contact independent organizations such as the following:

- **Aging with Dignity** is a national non-profit organization with a mission to affirm and safeguard the human dignity of individuals as they age and to promote better care for those near the end of life. They have developed an easy-to-use guide called 5 Wishes, which can be used to stimulate thought and can help put those thoughts in writing.

  Aging with Dignity
  P.O. Box 1661
  Tallahassee, FL 32302-1661
  Toll Free: 888-594-7437
  agingwithdignity.org
Caring Connections offers free, state-specific advance directives for all states that meet the legal requirements for each state. Download individual copies for free at caringinfo.org or call 800.658.8898 to have a copy mailed to you.

Georgia Health Decisions offers a copy of Critical Conditions by calling (877) 633-2433 or by visiting their website at: georgiahealthdecisions.org.

If you have any questions about the medical issues of advance directives, talk with your physician or other medical care provider. You also may want to talk with a lawyer since an advance directive is an important legal document.

Why is Kaiser Permanente providing this information?

Under federal law, Kaiser Permanente and other health care providers must provide information about state laws on advance directives. This information includes the right to prepare advance directives.

Definitions

Advance directives are written instructions, recognized under the Georgia state law, that clarify your wishes concerning future health care in the event that you become unable to accept or refuse care on your own. These paper documents are usually titled Living Will, Durable Power of Attorney for Health Care, or Advance Directive for Health Care.

Advance Directive for Health Care is a written document that combines specific elements of the living will and the durable power of attorney for health care. There are three parts in the Georgia Advance Directive for Health Care:

- **Part One:** Allows an agent to be appointed to carry out your health care decisions (formerly the Durable Power of Attorney)
- **Part Two:** Allows choices about withholding or withdrawing life support and accepting or refusing nutrition and/or hydration (formerly the Living Will).
- **Part Three:** Allows one to nominate someone to be appointed as guardian if a court determines a guardian is necessary.

Durable power of attorney for health care is a written document that allows you to designate someone else to make decisions about health care in case you are unable to make these decisions for yourself.

Health Care Agent is an individual designated in a durable power of attorney for health care or an advance directive for health care to make a health care decision for you.

Living will is a written document that states your preferences regarding certain medical procedures that could be used to prolong your life.

Life-sustaining procedures are medications, machines, or other medical procedures or interventions which, when applied in a terminal condition or in a state of permanent unconsciousness, could in reasonable medical judgment keep you alive but cannot cure you and where, in the judgment of the attending physician and a second physician, death will occur without such procedures or interventions. The term ‘life-sustaining procedures’ shall not include the provision of nourishment or hydration but you may direct the withholding or withdrawal of the provision of nourishment or hydration in an advance directive for health care. The term ‘life-sustaining procedures’ shall not include the administration of medication to alleviate pain or the performance of any medical procedure deemed necessary to alleviate pain.

Terminal condition is an incurable or irreversible condition which would result in death in a relatively short period of time.