

# Advanced Directives

Advance directives are the documents that are used in advanced care planning. Each document has a distinct purpose. Directives provide instructions regarding medical care and designate someone, known as a “proxy” or “surrogate,” who is empowered to make decisions for a person who is unable to make decisions regarding their health care. The health care surrogate directive deals with health decisions. A Durable Power of Attorney expands decision-making power to other areas. It is important to note that the states have differing laws governing advance directives and forms that are recognized within that state.

## Definitions

**Living Will:** An advance directive where an individual documents his or her wishes about medical treatment he or she does/does not want should he or she be at the end of life and unable to make decisions. The purpose of a living will is to provide guidance to family members and physicians in deciding how aggressively to use medical treatments to delay death. A Living Will takes effect only when the attending physician and a consulting physician determine that the person is:

- Unable to make his/her medical decisions (and unlikely to regain this ability), and are;
- Either in a terminal, persistent vegetative state, an end stage condition, or in any other condition that is specified in his/her Living Will.

### Designation of Health Care Surrogate

(sometimes called medical power of attorney, health care proxy or health care agent): A document that allows an individual to appoint someone else to make decisions about his or her medical care if he or she is unable to communicate. Not all conditions are covered in the Living Will so the designation of a health care surrogate is critical.

Documents must be signed in the presence of two adult witnesses who must also sign the documents. The surrogate and alternate surrogate cannot act as witnesses. At least one witness must be someone other than a spouse or blood relative.

The original documents should be retained by the individual with copies given to the surrogate, alternate surrogate, family, doctor, clergy, and attorney and placed in the medical record if the individual is in the hospital, nursing home, rehabilitation center or assisted living facility.

The Designation of Health Care Surrogate takes effect when the physician has deemed that a person is unable to make his/her own decisions relating to health care.

**Durable Power of Attorney:** A document that gives someone the legal authority to make health, financial and/or legal decisions to make decisions on your behalf if you cannot make decisions for yourself. It comes into effect when a person is unable to make his/her own decisions. If the intent is to designate the person to make health care decisions, it must be specifically stated in writing and must show the person’s intent to give specified power if the person is incapacitated. The signatures must be notarized.



# Advanced Directives

**Do Not Resuscitate Order (DNRO):** The DNRO is a physician's order not to resuscitate if a person goes into cardiac or pulmonary arrest. A DNRO is for someone that is terminally ill, suffering from an end-stage condition, or is in a persistent vegetative state. It is part of the prescribed medical treatment plan and must have a physician's signature. It is also signed by the patient, an active health care surrogate or power of attorney. It is the legal document that instructs the hospital or emergency medical service to not resuscitate a person in cardiac or pulmonary failure.

In accordance with Florida law, the DNRO is honored in most health care settings, including hospices, adult family care homes, assisted living facilities, emergency departments, nursing homes, home health agencies and hospitals. Florida law provides that health care providers employed in these health care settings may withhold or withdraw cardiopulmonary resuscitation if presented with the DNRO and be immune from criminal prosecution or civil liability. In addition, if the DNRO is presented to an emergency medical technician or paramedic in a setting other than a health care facility, it will still be honored.

9-1-1 can be called at any time to provide family/caregivers with support for their loved one. Many family members call 9-1-1 to control pain and to make sure their loved one is comfortable. A DNRO only means that in the event of cardiac or pulmonary arrest that CPR will not be initiated. Comfort care measures, such as oxygen administration, hemorrhage control and pain management, will still be used.

## **DNRO** - Other Key Points

- The form must be printed on yellow paper to be valid.
- It does not need to be notarized. It is signed by the person (or their HCS) and physician.
- This form is only recognized in Florida.
- Only those who signed the form can revoke the form either orally or in writing, physical destruction of the form or failure to present it.

It is important to place any advanced directive documents in a place that is easy to remember (with all the family's legal and personal documents) and where they can be quickly and easily retrieved, particularly in the case of a medical emergency.

**This is a guide only and not intended as legal advice.**

## **Sources:**

- Department of Elder Affairs, State of Florida [www.elderaffairs.state.fl.us](http://www.elderaffairs.state.fl.us)
- Florida Department of Health, Division of Emergency Management [www.doh.state.fl.us](http://www.doh.state.fl.us)
- HelpGuide [www.helpguide.org](http://www.helpguide.org)
- Hospice Foundation of America [www.hospicefoundation.org](http://www.hospicefoundation.org)

Find inspiration for caring for a loved one in the book *Love Cares: Encouraging Words and Stories from an Alzheimer's Caregiver* from [AdventHealthPress.com](http://AdventHealthPress.com)  
[adventhealth.com/adventhealth-press/love-cares-encouraging-words-and-stories-alzheimers-caregiver](http://adventhealth.com/adventhealth-press/love-cares-encouraging-words-and-stories-alzheimers-caregiver)

