

documents may affect your legal rights. To assure the results you want, you may want to check the law in your state and consult a professional. In most cases, the document needs to be signed and witnessed by two adults, one who is not your spouse or blood relative. In addition, the person you designate as your health care surrogate may not act as witness to this document. If you have legal concerns or questions about your documents, you should contact your attorney.

#### 14. *How do I get started?*

Think about what is important to you in life: your beliefs, what you value, and what gives meaning to your life. Your religion may have specific beliefs about advance directives and certain medical treatments. Discussing this matter with your minister, priest, rabbi, or spiritual advisor may be helpful. Consider the kinds of medical treatments that you would want or not want under different types of circumstances. It is the physician's responsibility to inform those involved with the patient's health care decisions of the patient's diagnosis, appropriate treatment options and the likelihood of recovery. It is important for you to discuss treatment options with your physician and your responsibility to inform him or her of your wishes.

#### 15. *What do I do after I complete an Advance Directive?*

Inform your loved ones and health care providers of your decisions. To make sure others know your preferences, formulate your wishes in a written document. Be sure to use the correct forms for your state. Sign and date the form according to the laws in your state. Make copies and keep them where they are readily available. Do not lock them away. Give copies to those who will be involved in your care and take copies with you to the hospital or nursing home.

#### 16. *What if the doctor or facility is unwilling to comply with my Advance Directive or decision of my surrogate?*

In accordance with the law, health care providers and facilities should transfer you to another provider or facility that will comply with your Advance Directive or treatment decision. Many institutions have medical ethics committees to assist when there are unresolved issues.

When you are admitted to a hospital in the state of Florida, the hospital is required by law to ask you whether or not you have an advance directive. It is helpful for you to think about this before you are hospitalized.

#### *Final thoughts:*

Decisions about whether to accept or reject health care treatments including life supporting or sustaining procedures should be made only after careful consideration. Laws about Advance Directives may vary from state to state. This information is not intended to serve as legal advice but to provide you with information to assist you in this very important process. This information is meant to help you reach a decision that is right for you should you become incapacitated and unable personally to direct your care.

## Making Personal Choices



If you are unable to participate in your health care decisions, there is a way of making your preferences known...

### *Put it in writing*

SARASOTA  
MEMORIAL  
HEALTH CARE SYSTEM

1700 S. Tamiami Trail  
Sarasota, Florida 34239-3555

[www.smh.com](http://www.smh.com)

SARASOTA  
MEMORIAL  
HEALTH CARE SYSTEM

If you are a competent adult, 18 years of age or older, you can make your preferences known to those who need to know, by executing an ADVANCE DIRECTIVE...a written document that can speak for you if you are unable to do so.

### 1. *What is an Advance Directive?*

It is a witnessed written document or an oral statement in which your desires are expressed concerning any aspect of your health care and may include, but is not limited to, the designation of a health care surrogate, a living will, or an anatomical gift (organ donation).

### 2. *What is a Living Will?*

A living will is one type of advance directive. In the State of Florida it is a witnessed document expressing your instructions concerning life-prolonging procedures should you have a terminal condition, an end-stage condition, or be in a persistent vegetative state. A “declaration” is a witnessed oral statement made by you expressing your instructions concerning life-prolonging procedures.

- Life-prolonging procedure: Any medical procedure, treatment or intervention, including artificially provided sustenance and hydration, which sustains, restores or supplants a spontaneous vital function.
- Terminal condition: A condition caused by injury, disease, or illness for which there is no reasonable medical probability of recovery and which without treatment can be expected to cause death.
- End-stage condition: A condition caused by injury, disease, or illness which has resulted in severe and permanent deterioration, indicated by incapacity and complete physical dependency, and for which, to a reasonable degree of medical certainty, treatment of the irreversible condition would be medically ineffective.

- Persistent vegetative state (PVS): A permanent and irreversible condition of unconsciousness in which there is the absence of voluntary action or cognitive behavior of any kind and/or the inability to communicate or interact purposefully with the environment.

### 3. *What does incapacitated or incompetent mean?*

It means that an individual is physically and mentally unable to communicate willful and knowing health care decisions. A physician must determine this before your surrogate or durable power of attorney can make health care decisions on your behalf.

### 4. *What is a health care surrogate?*

A Designation of Health Care Surrogate (DHCS) is any competent adult expressly designated by you to make health care decisions on your behalf should you become incapacitated. This should be someone who knows your wishes and will not make decisions based on their own preferences. Since it is difficult to address every situation in a written directive, you are encouraged to designate a surrogate to make decisions for you. It is not uncommon to designate an alternate in the event your surrogate is unwilling or unable to carry out his or her responsibilities.

### 5. *What is a Durable Power of Attorney for Health Care (DPAHC)?*

This is another type of advance directive in which you name someone (an agent or surrogate) to make health care decisions if you are not able to do so. These decisions may include such things as whether or not to have surgery or to have certain types of testing or procedures performed. It is not just for end of life decisions. If you have already stated your wishes concerning life-prolonging procedures in a separate designation,

a living will document is not necessary. Some states may limit or prohibit the agents or surrogate’s decision making power regarding mental health treatment, sterilization or abortion.

### 6. *Who should have an advance directive?*

Advance directives are not just for senior citizens. Regardless of your age, a serious accident or illness can happen to anyone. Although, you cannot be refused medical care or health care insurance because you do not have a directive you are encouraged to put your decisions in writing if you are an adult and want your decisions known.

### 7. *May I change my mind?*

You may amend or revoke your advance directive at any time and the changes will be effective when they are communicated to your surrogate, health care provider, or facility. If you make changes be sure to destroy all outdated copies. It is very important to notify and provide copies of the updated version to your physician, minister, family members, close friends, and any health care facility each time you are admitted.

### 8. *Can treatment be stopped once it has started?*

When severe injury or illness is sudden, it may take days or weeks before the prognosis or likelihood of recovery is known to a reasonable certainty. When the prognosis is known and if your instructions are clear that you would not want continued treatment under certain circumstances, treatment can be stopped.

### 9. *What happens in an emergency?*

It is not possible to determine the chances of survival in an emergency. After the initial emergency has passed and a prognosis for recovery can be determined, your advance directive

would come into play if you were unable to speak for yourself.

### 10. *What is a Do Not Resuscitate Order (DNRO)?*

This is separate document authorized in the State of Florida. Under certain circumstances, it may be appropriate not to begin resuscitative measures. Your physician, in accordance with the law (Florida Statute 401.45), must sign this specific order form. It authorizes health care providers to withhold or withdraw cardiopulmonary resuscitation if they are presented with the order form not to resuscitate. You will need to discuss this with your physician.

### 11. *How long is my Advance Directive valid?*

Unless the document states a time of termination, a living will and designation of a health care surrogate are valid until you revoke them, you die, or a court determines you are incompetent and directs a guardian to make health care decisions for you. However, if your marriage is dissolved or annulled, this will revoke the former spouse as the surrogate, unless otherwise stated in your advance directive or in the order of dissolution or annulment of marriage.

### 12. *What about my Advance Directive if I am pregnant?*

In most cases, end of life decisions may not be honored, unless your advance directive includes written instructions expressly authorizing your health care surrogate to consent to withholding or withdrawing of life prolonging procedures during pregnancy.

### 13. *Do I need an attorney or notary to complete an Advance Directive?*

It is not necessary; however, advance directive