

TRAIN FOR SUCCESS INC.

ADVANCE DIRECTIVES 1 Hr

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PURPOSE

The purpose of this course is to educate and reinforce the knowledge of Nurses; ARNP, RN, LPN, CNA, Therapists, other professionals who are working within the health care environment; as well as other students/ individuals regarding Health Care Advance Directives. This course will review various aspects of the patients/ residents right to decide and measures that can help to ensure that those rights are understood and honored.

OBJECTIVES

At the conclusion of this course, the participant will be able to:

1. Define and understand Advance Directives,
2. Describe 3 types of advance directives,
3. Describe the Living Will,
4. Discuss Health Care Surrogate Designation,
5. Discuss Anatomical Donation,
6. Describe procedures regarding making changes to an advance directive,
7. Discuss procedures regarding driver's license or state identification card that indicates an organ donor.

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Introduction

According to the 2020 Florida Statutes, chapter 765 regarding HEALTH CARE ADVANCE DIRECTIVES definitions:

(1) “Advance directive” means a witnessed written document or oral statement in which instructions are given by a principal or in which the principal’s desires are expressed concerning any aspect of the principal’s health care or health information, and includes, but is not limited to, the designation of a health care surrogate, a living will, or an anatomical gift.



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Health Care Advance Directives

THE PATIENT'S RIGHT TO DECIDE

This is an especially important topic to discuss as individuals are being asked to participate in making decisions about end of life wishes and care. Every competent adult has the right to make decisions regarding his or her own health, which includes the right to choose or refuse medical treatment.

When an individual becomes unable to make decisions due to a physical or mental change, such as being in a coma or other conditions or disease such as Alzheimer's disease, they are considered incapacitated.

To ensure that an incapacitated person's decisions about health care will still be respected, the Florida legislature enacted legislation pertaining to health care advance directives (Chapter 765, Florida Statutes). Check your state for the specific legislature.

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The law recognizes the rights of a competent adult to make an advance directive which will:

- Instruct his or her physician to provide, withdraw or withhold life-prolonging procedures
- Designate another individual to make treatment decisions if the person becomes unable to make his or her own decisions and /or
- Indicate the desire to make an anatomical donation after death.

Also, the law states that the individuals do not have to be incapacitated to elect a health care surrogate to make their decisions.

By law hospitals, long term health care facilities; nursing homes, home health agencies, hospices, health maintenance organizations (HMOs) are required to provide their patients with written information concerning health care advance directives.

ADVANCE DIRECTIVES

An Advance Directive is a written or oral statement about how individuals want medical decisions made in the event that they are not able to make them themselves and/or it can express the individuals' wish to make an anatomical donation after death.

Communicating wishes about end of life wishes or care will ensure that patients with terminal illnesses face the end of their lives with dignity.

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Some individuals make advance directives when they are diagnosed with a life-threatening illness. Others put their wishes into writing while they are healthy, sometimes as a part of their estate planning.

Three types of advance directives are:

- A Living Will
- A Health Care Surrogate Designation
- An Anatomical Donation

Some individuals may choose to complete one, two, or all three of these forms; to best serve their needs.

Sometimes the person making decisions for the patient/ resident may or may not be aware of their wishes. When an advance directive is made and is reviewed or discussed with the significant person in their lives, it will better ensure that the patients' wishes will be carried out the way they desired it to be done.

The advance directive procedures are simple and do not require an attorney; however, the individual may choose to consult one. An advance directive completed in another state, as described in that state's law, can be honored in Florida.

WITNESSES

An advance directive, a written document, or an oral statement needs to be witnessed by two individuals. At least one of the witnesses cannot be a blood relative or a spouse.

Many states including Florida law provides a sample of each of the following forms: a living will, a health care surrogate, and an anatomical donation.

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CANCEL OR CHANGE AN ADVANCE DIRECTIVES

An individual may change or cancel an advance directive at any time. Changes should be written, signed, and dated. Changes may also be by oral statement, physical destruction of the advance directive or by writing a new advance directive.

If the individual has a driver's license or state identification card that indicates that he/ she is an organ donor, but he/ she no longer want this designation, the individual should contact the nearest driver's license office to cancel the donor designation and a new license or card will be issued to them.

When the individual chooses to have an advance directive:

If the patient/ individual designates a health care surrogate and an alternate surrogate it is best to ask them if they agree to take this responsibility and to review / discuss how matters should be handled,

It is also best to give them a copy of the document,

The patients/ individuals should make sure that their health care provider, attorney, and the significant people in their lives know that they have an advance directive and where it is located. Giving them a copy will also be helpful.

The patients/ individuals can set up a file where they can keep a copy of their advance directive as well as other important papers. Some individuals may keep original papers in a bank safety deposit box.

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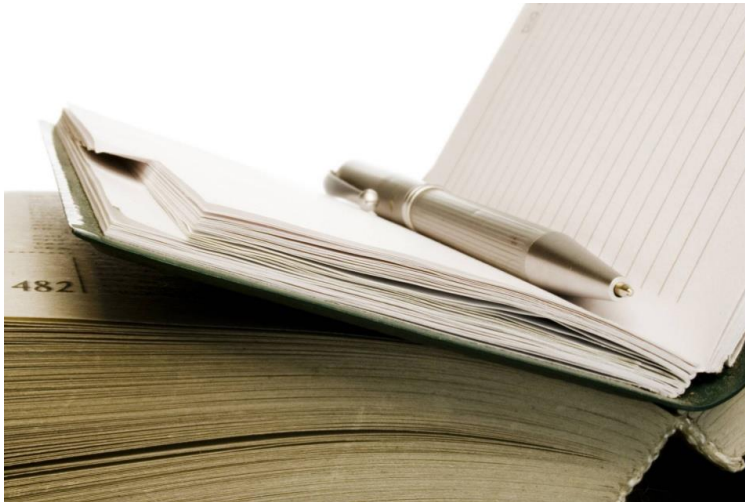
The patients/ individuals may keep a card or note in their wallet, purse / bag that states that they have an advance directive and where it is located; so that it will be found when needed.

WHEN CHANGES ARE MADE

When the patients/ individuals have made changes to their advance directive, they need to make sure that their health care provider, attorney, and the significant persons in their lives have the updated copy.



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According to the 2020 Florida Statutes, chapter 765 regarding
HEALTH CARE ADVANCE DIRECTIVES

765.101 (13)

(13) “Living will” or “declaration” means:

- (a) A witnessed document in writing, voluntarily executed by the principal in accordance with s. 765.302; or
- (b) A witnessed oral statement made by the principal expressing the principal’s instructions concerning life-prolonging procedures.

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LIVING WILL

A Living will is a written or oral statement of the kind of medical care the resident/ patient or individual want or do not want if they become unable to make their own decisions. It is referred to as a living will because it becomes effective while the individuals are still living.

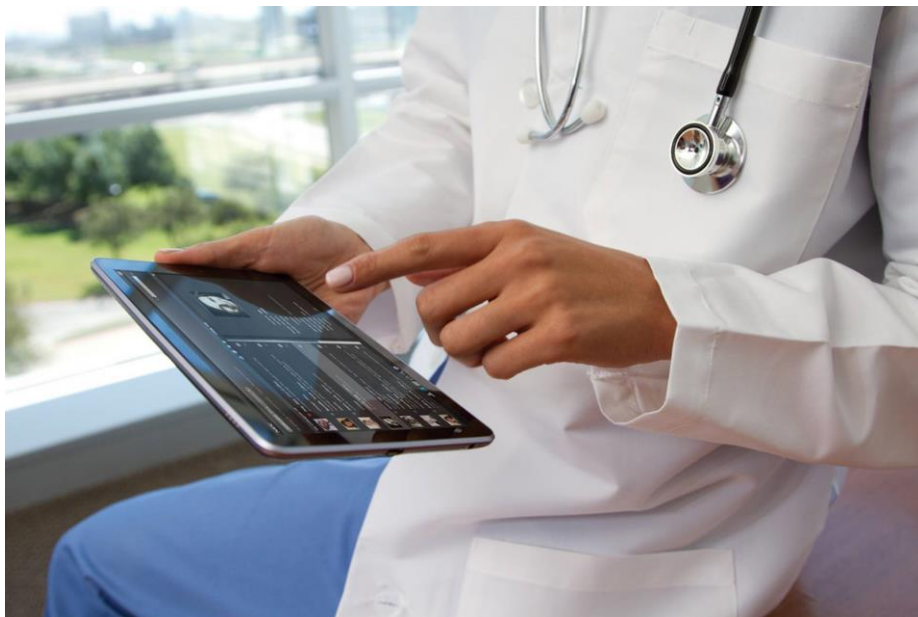
Each individual may wish to speak to their attorney or health care provider to be certain they have completed the living will in a way that their wishes will be understood.



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HEALTH CARE SURROGATE DESIGNATION

A Health Care Surrogate Designation is a document which has the name of another person as the representative to make medical decisions for the patient if he /she is unable to make the decisions themselves. The patient /individual may include instructions about any treatment that they want or do not want. The patient can also designate an alternate surrogate.



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ANATOMICAL DONATION

An Anatomical Donation is a document that indicates the individuals' wish to donate all or part of their body, at death. This donation can be an organ and tissue donation to people in need, or donation of their body for training of health care workers.

The individuals can indicate their choice to be an organ donor by designating it on their driver's license or on their state identification card; this may be done at the driver's license office. The individuals may also sign a uniform donor form or expressing their wish in a living will.

The individual may wish to complete any one or a combination of the three types of advance directives depending on the individual's needs. Within the state of Florida, there is no legal requirement to complete an advance directive. However, if the individual does not make an advance directive, decisions about his/ her health care or an anatomical donation may be made for them by:

- A court-appointed guardian,
- A spouse (wife or husband),
- Their adult child,
- Their parent,
- Their adult sibling,
- An adult relative or
- A close friend.

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All healthcare workers, caregiver, Guardians as well as other individuals who are working with the clients/ patients/ residents need to be informed, educated and take the appropriate measures to ensure that the clients/ patients/ residents rights are understood and honored.

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