



Your Right to Make Health Care Decisions

Advance Directives

What is an Advance Directive?

It is a type of written instruction about your health care to be followed if you become unable to make decisions about your medical treatment. You prepare your Advance Directive when you are able to make these decisions.

Then if there is a time when you are unable to make health treatment decisions, the directive will be followed. These instructions do not take away your right to decide what you want, if you are able to do so at the time a decision is needed.

There are a few types of Advance Directives. In this booklet, we will discuss three:

1. A **CPR Directive**, sometimes called a DNR or do not resuscitate order, tells emergency health care personnel and others not to do CPR on you. CPR is short for cardiopulmonary resuscitation.
2. A **Medical Durable Power of Attorney** allows you to name a person who can make health decisions for you.
3. A **Living Will** applies only in cases of terminal illness. This means a disease or injury that leads to death.

Does RMHP require me to fill out an Advance Directive?

No. The law states that you will not be denied services, treatment, or being admitted to a facility if you chose not to sign an Advance Directive. The law applies to all adults, no matter their health problem or condition.

Know the law

At RMHP, we want you to know your rights when it comes to making decisions about your health.

You will not be refused treatment, services, or admission to a facility if you do not fill out an Advance Directive.

You have the right to accept or turn down any medical care and treatment, unless care is ordered by a court. In an emergency, your consent to CPR, health care, and treatment is assumed. We will tell you about Colorado's laws regarding your right to make health care decisions.

You must be given information about Advance Directives each time you are admitted as a patient or become a resident of:

- Any health care facility that gets Medicare or Medicaid money
- A nursing home, an HMO, hospice, home health care, or a personal care program that gets Medicare or Medicaid money

You must also be given written information on the facility and provider policies about Advance Directives.



Colorado law states:

Before you are no longer able to make your own choices, you can fill out a Medical Durable Power of Attorney. This legal document names or appoints the person who will make legal and health care decisions if you are not able to do so.

Once you are no longer able to make your own choices, if you have not filled out an Advance Medical Directive:

- A person close to you can be a proxy. A proxy is a substitute decision maker.
- The doctor or the doctor's designee must make reasonable efforts to get in touch with those close to the patient. The goal is to find a proxy or substitute decision maker.

What if I want to donate my organs after I die?

You can include your wish about donating your organs in any Advance Directive. Or, you may sign a separate paper called a “Document of Gift” under Colorado’s Revised Uniform Anatomical Gift Act. Talk to your doctor if you would like to learn more about organ donation. Also, we suggest you let your family know your wishes.

Do I need to fill out an Advance Directive in Colorado if I filled out one in another state?

We recommend you make out a new Advance Directive that follows Colorado law, even if you have one from another state. If you spend a great deal of time in more than one state, you may wish to think about filling out an Advance Directive for those states too.

Answers to your questions about Advance Directives

This booklet includes forms you can use to fill out your own Medical Durable Power of Attorney and a Living Will. You can also use any form you prefer. And remember – you do not need to fill out these forms to get health services or treatment from RMHP. You will still get the health care and treatment that is right for your condition and consistent with the policy of the facility.

About CPR Directives

What is CPR?

CPR is short for cardiopulmonary resuscitation.

CPR is used to try to revive a person whose heart has stopped or who is not breathing. It is done by pressing very firmly on the chest and giving rescue breaths. At times, CPR includes using special drugs or machines to get the heart and breathing started.

What is a CPR Directive?

It is a legal written document that states that if you stop breathing or your heart stops, no attempts will be made to get your heart or lungs working again. This document allows you, your agent, your guardian, or your proxy to refuse CPR for you.

It states that doctors, paramedics, or emergency workers:

- Will not try to press on your chest
- Will not use breathing tubes
- Will not use electric shock or other methods



Who is most likely to sign a CPR Directive?

While anyone over 18 can sign a CPR Directive, most often people who sign it are:

- Very sick with a fatal illness.

Old and very frail, so having CPR could make their health worse. For example, older adults who have had small strokes, a weak heart, or liver or kidney failure may decide against CPR. While CPR has saved many lives, some health problems can get worse after CPR, and the person can be left paralyzed or not able to speak or understand.

How is a DNR order different from a CPR Directive?

“DNR” is short for “do not resuscitate.” A DNR order and a CPR Directive are ways of saying the same thing. These orders from the doctor tell health care workers not to do CPR if the person’s heart or breathing stops.

These orders can be made out in advance by the patient or by people who are able to make health care decisions when a patient is not able to do so. The order becomes effective when the patient or a person the patient assigns and the doctor sign the document.

What happens if a patient has a heart attack in the hospital or in a nursing home?

The staff will do CPR unless the patient has a DNR order or a CPR Directive that says “no CPR.” These written doctor’s orders are used when the doctor decides, often after talking with the patient, that CPR would not be proper.

Talk to the staff at the nursing home to learn about their policy of giving CPR.

What happens when the patient is under age 18?

Only after a doctor issues a DNR order for a minor child can the parents of the minor carry out the “no CPR” order for the child. Parents married and living together, the custodial parent, or the legal guardian may carry out a **CPR Directive** for the child.

How do I create a CPR Directive?

You can get one from your doctor or a licensed health care facility, or you can ask your lawyer to draw up a form.

This directive must be signed by you, or your agent or proxy and your doctor. The **original** copy must be available to proper staff, and you are urged to order and wear a necklace or bracelet that will quickly identify you as someone who does not want to be resuscitated. If this directive is not found or you are not wearing a “no CPR” necklace or bracelet, it is likely CPR will be done.

A **CPR Directive** may be canceled at any time by the person who has signed it. All original forms must be canceled.

Some people choose to wear a necklace or bracelet to let others know not to do CPR

- Order forms for the state-approved necklace or bracelet are available at the time you and your doctor sign a CPR Directive form. There is a charge for the necklace or bracelet.
- Again, you will not be refused proper service or treatment because you have not filled out an Advance Directive form.



If you decide to fill out the form, tell family members about your wishes. Let them know where you keep your form.

If I sign a CPR Directive, will I still get other kinds of needed health treatment?

Yes. Signing a CPR Directive will not stop you from getting other health care, such as treatment for pain, bleeding, broken bones or other comfort care.

What is a Medical Proxy?

A Medical Proxy is a person you appoint who will agree to act in your best interest about your health care if you lose the ability to make decisions about treatment for yourself. A Medical Proxy is sometimes called a substitute decision maker. A Medical Proxy that you complete is the same as a Medical Durable Power of Attorney.

Most often, people pick a person they know well for their proxy. This may be a family member or close friend. Your proxy must be 18 years of age or older.

The proxy can decide to stop or not to start tube feeding and hydration only when two doctors agree that tube feeding and hydration would only draw out dying and is not likely to help the patient get better. One of the doctors must be trained in neurology or neurosurgery.

How do I appoint a Medical Proxy?

You can fill out the form on page 21 of this booklet. Or you can get a form on your own. If your proxy is not there at the time to decide for you, your doctor will follow instructions you gave when you were able.

What happens if I have not chosen a Medical Proxy?

If you have not chosen a proxy, or if you do not have an Advance Directive or a guardian, Colorado law says that family members and close friends can select a proxy for you. This happens after a doctor or judge decides that you cannot make your own health decisions. Then your husband or wife, your parent, an adult child, adult grandchild, brother, sister, or a close friend may work together to choose a proxy.

At times, some of the people entitled to choose your proxy disagree with the choice of proxy or with the proxy's actions. Or the people cannot agree on a proxy. Then the group can ask the court to start a guardianship. Under Colorado's proxy law, no member of the group has "automatic" priority. The person chosen as your proxy should be the one who knows your health wishes the best.

If anyone believes you have regained decision-making ability, you will be examined again by your doctor. If you have regained decision-making ability, the proxy will be relieved of duty.

Guardians

A guardian is a person chosen by a court to help with the personal affairs of a person who is unable to make his or her own decisions. It may take months for a guardian to be appointed if it is not an emergency.

The law allows a guardian to be appointed when a person is not able to make personal decisions about himself or if a person does not have the understanding or ability to make or make known responsible decisions about his or her health care.



This may result from mental illness, mental retardation, illness or disability, long-term use of drugs and/or alcohol, or other causes.

A person who is subject to a guardianship is called a “ward”.

Any person aged 21 or over, or an appropriate agency which is willing to serve, may be chosen as a guardian. One or more people can share this duty.

A guardian does not have to provide for a ward out of his or her own funds, or live with the ward. A guardian is not responsible for a ward’s actions or behavior. The duties of a guardian are to find out where the ward should live and arrange for needed care, treatment or other services for the ward. The guardian also sees that the basic daily personal needs of the ward are met, including food, clothing and shelter. At times, the guardian may be in charge of money matters for ward.

A court may let a guardian make health care and treatment choices. A court may name a limited guardian to give certain services for a specific length of time.

Medical Durable Power Of Attorney

A **Medical Durable Power of Attorney** is a document you sign naming someone to make your health care decisions. This document can cover more health care decisions than a Living Will does and is not limited to terminal illness. A Medical Durable Power of Attorney that you complete is the same as a Medical Proxy.

The person you name is called your agent. Your agent stands in for you when it is time to make any and all medical or all medical or other health care decisions with your doctor. Your agent can get copies of your medical records and other information to make medical decisions for you.

It is important to talk with your doctor, your family, and your agent about your health care choices you’re your Advance Directives.

You may put instructions or guidelines into your document telling your agent what you really want. You can cancel your Medical Durable Power of Attorney at any time. Your Medical Durable Power of Attorney can become effective right away. Or, you can make it become effective when you become unable to make your own health decisions.

You can name anyone to be your health care agent. The person must be at least 18 years old and be willing and mentally able to be your agent. While you may want to choose someone who lives nearby, your agent does not have to live in Colorado.

If you appoint your husband or wife as your agent, and then later you get divorced, get legally separated, or get an annulment, your former spouse is automatically removed as your agent. To keep your former husband or wife after you are no longer together, you will need to put it in your Medical Durable Power of Attorney.

You cannot be denied service if you do not fill out a Medical Durable Power of Attorney form. The law states that you will not be denied services, treatment, or being admitted into a facility if you choose not to sign an Advance Directive form. The law applies to all adults, no matter their health problem or condition.



Medical Durable Power Of Attorney for Health Care Decisions

Read this section before you sign the Medical Durable Power of Attorney form.

You should not sign this document unless you understand it fully. You may wish to talk to others or a lawyer before signing.

This document asks you to name a person as your agent. Your agent then has the power to make health care decisions if you are not able to do so. These decisions and powers are not limited to terminal conditions and life support decisions.

After you have signed this document, you still have the right to make health care decisions for yourself if you are able to do so.

You may state in this document any type of treatment that you want get or want to avoid. If you want your agent to make decisions about life sustaining treatment, it is best to so state in your Medical Durable Power of Attorney.

You have the right to take away the authority of your agent unless a court finds you incompetent. If you withdraw the authority of your agent, it is a good idea that you do so in writing. Make sure to copies of the new document to all those who got your original document.

The enclosed Medical Durable Power of Attorney form follows Colorado law. If you; move to another state, make sure to check your new state's rules.

Your Medical Durable Power of Attorney should contain the following information:

- The name, address and telephone number of the person you choose as your agent.
- The name, address and telephone number of your second and third choice of agent to act if your first agent is not able to act for you.
- Any written instructions about treatment you do or do not want. Examples include surgery, chemotherapy, tube feeding, kidney dialysis or breathing support.