

ARIZONA DEPARTMENT OF ECONOMIC SECURITY
Division of Developmental Disabilities



In 1991 a federal law was passed regarding living wills and other health care directives for adults. The purpose of this booklet is to help you make informed decisions about your health care.

In addition to reviewing this information, we encourage you to discuss health care issues with your family, doctor or anyone else who could help you in making these decisions.

**DECISIONS ABOUT
YOUR HEALTH CARE**

Living Wills and Other Health Care Directives

Who makes my health care decisions?

You or your guardian, if you have one. Your doctors should tell you about all the treatments and medications they recommend, other reasonable alternatives, and any potential risks and benefits involved. You have the right to decide what health care, if any, you will accept.

What happens if I become unable to make or communicate my health care decisions?

Planning ahead will allow you some control over your health care. One way to plan ahead is to make a health care directive, or name someone to make these decisions on your behalf. If no person is named, your doctors must seek someone authorized by law to make these decisions for you. This person is called a “surrogate.”

Who can legally make health care decisions for me if I have not appointed a health care power of attorney, and am unable to make my own decisions?

A court may appoint a guardian to make health care decisions for you. If no guardian is appointed, your health care provider must seek a surrogate from the following list (please note that the list is in descending order of priority):

1. Your husband or wife, unless you are legally separated.
2. Your adult child. If you have more than one adult child, a majority of those children who are available may be appointed as surrogates.
3. Your mother or father.
4. Your domestic partner, unless someone else has financial responsibility for you.
5. Your brother or sister.
6. A close friend (someone who shows special concern for you and is familiar with your health care views).

If a health care provider cannot find an available and willing surrogate, he or she can make decisions with the advice of an ethics committee, or, if this is not possible, through consultation with and approval from another doctor.

You can prevent a specific person from becoming your surrogate by stating, in writing, that you do not want that person to make health care decisions for you.

A surrogate will not have the right to decide to have food or fluids withheld from you unless:

- you have appointed that surrogate to make health care decisions for you as your health care power of attorney;
- a court has appointed that surrogate as your guardian to make health care decisions on your behalf; or
- you have stated in a health care directive that you do not want this specific treatment.

What is a health care directive?

It is a written statement about your health care decisions. Arizona law recognizes three types of health care directives:

1. HEALTH CARE POWER OF ATTORNEY — a written statement naming an adult to make health care decisions on your behalf if you cannot make or communicate your own. A health care power of attorney must:

- state the name of the person to make health care decisions for you if you become unable to make or communicate your own. It must also specify an additional person(s) as backup surrogate(s), should your primary surrogate be unable to make the decisions. Surrogates must be at least 18 years old;
- be signed or marked by you, and dated; and
- be either notarized or signed by an adult witness(es) who saw you sign or mark the document. The witness must state that you seem to be of sound mind and free from duress. The notary public or witness cannot be your health care provider or your named surrogate. A person who is related to you or stands to inherit any property from you cannot act as your only witness.

2. LIVING WILL — a written statement identifying the health care you want and do not want. It is to be followed if you are unable to make/communicate such decisions. It must:

- state how you want your health care decisions to be made in the future;

- be signed or marked by you, and dated; and
- be notarized or witnessed as described above in Health Care Power of Attorney.

3. PRE-HOSPITAL MEDICAL CARE DIRECTIVE — a directive refusing cardiopulmonary resuscitation (CPR). By law, a special orange form must be completed to invoke this directive. Pre-hospital medical care directives must be:

- in the exact form required by law;
- printed on orange paper;
- signed or marked by you, and dated; and
- signed by both a licensed health care provider and a witness.

You may wear a special orange bracelet to alert emergency medical personnel to the fact that you have a pre-hospital medical care directive. The bracelet states your name, your physician's name and the words "do not resuscitate."

These documents, used separately or together, identify the treatments you want and those you do not want.

Must my health care directives be honored?

Yes. Health care providers and surrogates must follow valid health care directives. Doctors must honor your directives as long as they are medically reasonable. If a doctor refuses as a matter of conscience, he or she must transfer your care to another doctor who will honor your wishes.

Can I be required to make a health care directive?

No, it is entirely up to you. A health care provider cannot refuse to care for you based upon whether or not you have a health care directive.

Can I change or revoke my health care directive?

Yes. If you decide to change or revoke your health care directive, you should notify everyone who has a copy.

What if I already have a living will or other health care directive?

A health care directive valid elsewhere in the United States is also valid in

Arizona. There are, however, new choices available to you since Arizona laws changed on September 30, 1992. You should review your health care directives periodically, and revise them as needed.

Do I need a lawyer to make a health care directive?

No, but be sure that your health care directive is valid under Arizona law.

Who should have copies of my health care directive(s)?

Your doctors and any health care facility upon admission, as well as your appointed surrogates, should have copies of all your directives. You may also want to give copies to close family members and your Division of Developmental Disabilities Support Coordinator.

To alert emergency medical personnel to your wishes, it is a good idea to post an orange copy of your pre-hospital medical care directive on your refrigerator at home, because that is where they are trained to look first, and keep one in your car. Extra copies should be kept in a safe place.

Legal Options Manual

The “Legal Options Manual” is a useful reference document developed for the Developmental Disabilities Plan Council. It can be accessed through Arizona Center for Disability Law at www.acdl.com or by calling (602) 274-6287 or toll-free (800) 927-2260.

Detach here

Acknowledgement of Receipt

Name of individual and responsible person, if applicable:

Individual's Name (please print)

Responsible Person's Name (please print)

Relationship

I acknowledge that I have received the publication “Decisions About Your Health Care”

Signature of Individual (if able)

Date

Signature of Responsible Person

Date



Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008, the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact the Division of Developmental Disabilities ADA Coordinator at (602) 542-0419; TTY/TDD Services: 7-1-1. • Free language assistance for DES services is available upon request.



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona

PAD-588-PD (11-11)