

# All you need to know about Advance Directives



## What are Advance Directives?

Advance Directives are legal documents that provide instructions for a patient's care when the patient is no longer able to make his or her own health care wishes. All 50 states plus the federal government have laws relating to creating advance directives.

In Texas, an advance directive consists of two parts:

1. A Directive to the Physician, which tells the physician and the family what kind of medical treatment a person would want if he or she is no longer able to make or communicate a decision AND has a terminal diagnosis or an irreversible condition.
2. A Medical Power of Attorney, which allows you to appoint another person to be your decision maker if you are no longer able to make or communicate your wishes regarding health and medical care.

A third document is available if you have a terminal illness or an irreversible condition. The Out of Hospital Do Not Resuscitate Order allows people who have a terminal or irreversible condition and are not in the hospital to declare that they do not want resuscitative efforts (such as CPR) if their heart stops beating or they stop breathing.

## Why were Advance Directives Developed?

Advance Directives were the result of two events:

- After an auto accident left Nancy Cruzan in a persistent vegetative state, her family petitioned in courts for three years as far as the Supreme Court (*Cruzan v. Director, Missouri Department of Health*), to have her feeding tube removed.
- Passage of the 1990 Patient Self Determination Act, which requires health care institutions to ask if patients have advance directives and to provide education if the patient wishes to know more.

## What are the Issues?

- Only 70% of adults have heard of an advance directive, and only about 22% of adults have an advance directive
- Only 42% of people ever talk to their physician about an advance directive
- Only 12% of people who do complete an advance directive talk to a physician
- Between 65 and 76% of physicians were NOT aware that a patient had an advance directive
- 42% of Americans have had a friend or relative suffering from a terminal illness or coma in the last five years
- Most people get their advance directive from their attorney, but you do not need an attorney to complete an advance directive.

You must be competent and capacitated to make decisions to create an advance directive, but an advance directive can be revoked by you or your medical power of attorney at any time.

## What is [TexasLivingWill.org](http://TexasLivingWill.org)

[TexasLivingWill.org](http://TexasLivingWill.org) is an interactive, on-line advance directive program that helps users to learn about and complete their own advance directives.

How can I Learn More about Advance Directives and [TexasLivingWill.org](http://TexasLivingWill.org)?

The Center for Medical Humanities & Ethics has trained facilitators that can speak to your group or organization about end-of-life planning, including advance directives and [TexasLivingWill.org](http://TexasLivingWill.org). Facilitators are experienced in providing lectures and workshops for continuing education credit.

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<sup>1</sup> Pettis, C. & Klugman, C. M. (2007, October 11-12). Advance Directives: What Nevadans Know. Poster presented at the Nevada Public Health Meeting, Boomtown, Nevada.

<sup>2</sup> Teno JM, Lynn J, Wenger N, et al. (1997) Advance directives for seriously ill hospitalized patients: effectiveness with the patient self-determination act and the SUPPORT intervention. SUPPORT Investigators. Study to Understand Prognoses and Preferences for Outcomes and Risks of Treatment. *Journal of the American Geriatrics Society* 45(4):500-7.

<sup>3</sup> Teno JM, Lynn J, Wenger N, et al. (1997) Advance directives for seriously ill hospitalized patients: effectiveness with the patient self-determination act and the SUPPORT intervention. SUPPORT Investigators. Study to Understand Prognoses and Preferences for Outcomes and Risks of Treatment. *Journal of the American Geriatrics Society* 45(4):500-7.

<sup>4</sup> Kass-Bartelmes BL, Hughes R (2003). Advance Care Planning: Preferences for Care at the End of Life. AHRQ Research in Action. (Issue 12). Rockville, MD: Agency for Healthcare Research and Quality.

<sup>5</sup> More Americans Discussing – and Planning – End-of-Life Treatment. The Pew Research Center, January 2006. <http://people-press.org/reports/pdf/266.pdf>.