

# Welcome

This module  
provides  
information on  
Health Care  
Advance Directives

START ➞

## Definition of an Advance Directive

Under federal law an Advance Directive is defined as:

“A written instruction, such as a living will or durable power of attorney for health care, recognized under State law (whether statutory or as recognized by the courts of the State), relating to the provision of health care when the individual is incapacitated.”



## Advance Directives Cannot Be Compelled

- Federal law does not require individuals to complete any form of Advance Directive.
- It expressly forbids requiring an Advance Directive as a requisite for treatment.



## How Advance Directives Work



The law enables a person to make their wishes known:

- By explaining them in a specific document (an Advance Directive).
- By appointing someone as a health care representative to speak for them.



## Who Has These Rights Under Federal Law?



- All individuals served by a covered provider or health plan that receives federal Medicare or Medicaid funds have these rights.
- This is because providers and health plans must comply with the law as a condition of receiving payment under Medicare or Medicaid.



## When Can Providers Refuse To Follow The Advance Directive?

- Providers can refuse to implement provisions of an Advance Directive based on “conscience objections.”
- The provider must make clear to the individual when a conscience objection would result in an Advance Directive not being followed.



## Conscience Objections

- Provider must:
  - Describe the range of medical conditions or procedures affected by the conscience objection.
  - Provide a statement of limitations if they cannot implement the Advance Directive based on conscience.
  - Clarify any differences between institution-wide conscience objection and those raised by individual physicians.
  - Identify the state legal authority permitting a conscience objection.



## What Does This Mean?

- The conscience objection rule means it is possible that a specific treatment or specific medication an individual lists in their Advance Directive as preferred may be denied them if the provider, in good conscience, does not feel he/she can authorize it.



## Provider Obligation to Educate

- Provide for staff education concerning the clinic's policies and procedures on Advance Directives.
- Provide for community education regarding issues concerning Advance Directives, either directly or in concert with other providers.
- Education for adult patients age 18 years or older must include:
  - Their rights under State law to participate in decisions concerning their medical care.
  - The clinic's policy regarding Advance Directives.



## Why Are Advance Directives Important to Health Care Professionals and Patient Care?

1

Benefits your patients by protecting their rights to make their own health care choices.

2

Advance Directives are valuable tools and are legal documents implemented by your patients.

3

You will most likely be placed in a position where you will need to discuss Advance Directives with a patient or family member.

4

Benefits families by helping them make more informed medical decisions on behalf of their loved ones.

5

Helps health care professionals understand the wishes of their patients.



## What are the Benefits of a Health Care Advance Directive?

Promotes quality of care through informal end-of-life conversations and shared discussion.

Increases likelihood end-of-life wishes will be respected.

Relieves burdens on loved ones.

Ensures accuracy and continuity of the patient's wishes across care settings.

Can address pain management issues.



## What Can You Do?

1

- Samaritan Health Plans recommends that health care professionals discuss and instruct on Advance Directives for patients 18 years and older during the patient's annual examination or during a routine follow-up visit.

2

- If this discussion has not occurred, we suggest that health care professionals make it a priority for the next visit by making a note in the record and telling the patient that this topic will be discussed at the next visit.

3

- Both during and after the discussion, encourage your patients to:
  - Discuss their wishes with their family members and close friends.
  - Send a copy of the Advance Directive to your office to include in the patient's medical record.
  - Give a copy of the Advance Directive to the person(s) who has been designated to be involved in their care decisions should the need arise.



## Where Do I Get Advance Directives Forms?



Samaritan Health Services (SHS) clinics can order Advance Directive booklets by contacting the clinic's home Materials Management Department.



Non-SHS clinics can order Advance Directive booklets directly from Oregon Health Decisions at:

- Phone: 503-692-0894
- Toll Free: 1-800-422-4805
- Fax: 503-885-8758
- [www.oregonhealthdecisions.org](http://www.oregonhealthdecisions.org)

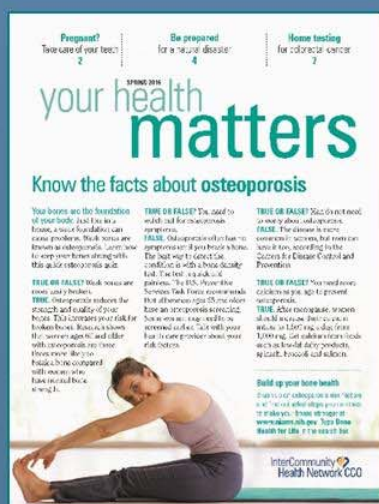


## Documenting the Conversation

A copy of the Advance Directive should be placed in the patient's medical record. Also, health care professionals should document the content of discussions about the patient's end-of-life desires or any expression of treatment preferences.



# How Does SHP Inform Patients About Advance Directives?



- InterCommunity Health Network Coordinated Care Organization (IHN-CCO) provides articles in the member newsletter "Your Health Matters."
- Samaritan Advantage Health Plan (SAHP) provides articles in the member newsletter "Health Tips."
- When a member of Samaritan Health Plans (SHP) requests information about Advance Directives, SHP directs the member to their Primary Care Provider (PCP).
- SHP delegates its requirement as specified in 42 CFR 422.128 and OAR 410-120-1380 to ensure members receive proper communication and instruction for completing Advance Directives to its contracted providers. You have agreed to this responsibility by contracting with SHP.



## Who Should I Inform About Advance Directives?



- Providers should inform all patients 18 years or older about Advance Directives.
- If a member is incapacitated at the time of enrollment, Samaritan Health Plans requires that providers provide the member's legal guardian, appointed representative, family, or other authorized representative with this information.



## Advance Directives Should Regularly Be Reviewed!



- Health care professionals can play an important role in initiating and guiding the advance care planning process by making it a routine part of care for all patients.
- Advance Directives should be revisited regularly to explore any changes a patient may have in his or her wishes.
- This process ultimately can benefit patients by providing them with a sense of control and peace of mind with regard to their future health care.



## Extra Information

Experts recommend that a Health Care Advance Directive should be updated at least every 10 years or in the event of a divorce of a spouse, death of a spouse or representative, if the representative should become incapacitated, or if health care circumstances change.

A Health Care Advance Directive is valid forever, unless revoked or an expiration date is specifically stated on the form.

Individuals can make up their own form, but it must include their witnessed signature and a date.





## Module End

Thank you for  
completing the Health  
Care Advance Directive  
Module

