

YOU HAVE THE RIGHT
Stating Your Wishes Regarding Medical Treatment

Many people today are worried about the medical care they would be given should they become terminally ill and unable to communicate. They may not want to spend months or years dependent on life support machines, or they may want every measure to be taken to sustain their life.

YOU HAVE A CHOICE

A growing number of people are taking action before they become seriously ill. You may now state your health care preferences in writing while you are still healthy and able to make such decisions.

Under Federal law, this health care organization is required to provide you, the patient, an explanation of your rights under Ohio law to make personal decisions regarding your own medical care. We are also required to ask you whether you have written down your wishes.

This pamphlet explains your options concerning the right to accept or refuse medical treatment and how you may make your wishes known about the care you want when you are unable to decide for yourself. It is now legal advice, but it serves as general and useful information designed to help you understand your rights under the law.

Q: What are my rights regarding medical treatment decisions?

A: You have the right to make your own medical treatment decisions. If you do not want certain treatments, you have the right to tell your doctor you do not want them.

Most patients can express their wishes to their doctor, but some who are seriously injured or unconscious cannot. However, you have the right to make your wishes known before such a situation occurs.

Q: What if I am too sick to decide or unable to communicate my wishes?

A: Sometimes people cannot tell their doctor about the kind of care they want because they become too sick and are unable to communicate. Under Ohio law, you have the right to fill out a form while you are still able that tells your doctors what you want done if you are unable to communicate your wishes.

Q: What kinds of forms are available?

A: Under Ohio law, there are two different forms you can use to make your wishes known.

Durable Power of Attorney for Health Care

This form allows you to appoint someone as your agent to make all health care decisions for you should you become terminally ill and unable to communicate or in a permanently unconscious state.

Living Will

This form allows you to give advance written directions about all your health care decisions when you are terminally ill and unable to communicate or in a permanently unconscious state.

These documents are also referred to as *Advance Directives* because they are signed in advance to let your doctor and others know your wishes concerning medical treatment.

Q: Do I have to fill out these forms before I get medical care?

A: No. No person or health care provider can require you to fill out either of these forms. Completing one or both of these forms is a voluntary action on your part.

Q: Who can fill out these forms?

A: Anyone who is 18 years old who can make their own decisions can fill out these forms.

Q: Do I need a lawyer?

A: No, you do not need a lawyer to fill them out. You may choose to discuss these matters with an attorney, but there is not a requirement to do so.

If you are in a permanently unconscious state, artificially supplied food and water may be withheld only if you have written specific instructions about artificially supplied food and water in your Living Will or Durable Power of Attorney.

If you do not have either of these forms, Ohio law allows your next-of-kin to authorize the withholding of artificially supplied food and water when you are terminally ill and unable to communicate.

If you are in a permanently unconscious state, your next-of-kin can make these decisions for you only after a 12 month waiting period and approval from a Probate Court.

Q: By filling out these forms am I participating in euthanasia or assisted suicide?

A: No. Ohio law does not allow or condone euthanasia or assisted suicide.

Q: Can I make changes to my forms?

A: Yes, at any time. In fact, if you already have a durable Power of Attorney it may be recognized under state law if the document is substantially in compliance with Ohio's new law, which took effect October 10, 1991. Ohio law did not formally recognize Living Wills until October 10, 1992. It is always a good idea to periodically review your forms to be sure they still reflect your views, and your old forms may not cover specific areas.

Q: Where do I get Living Wills and Durable Power of Attorney forms?

A: If you are interested in getting copies of these forms, ask your health care provider. Many hospitals and other health care provider organizations will make these forms available upon request.

Q: What do I do with my forms after filling them out?

A: You should give copies to your doctor and health care facility to put in your medical record. Be sure and tell your family and/or friends – people close to you – about what you have done and consider giving them a copy as well. Do not simply put these documents in a “safe” place and forget about them.

This brochure is endorsed by the following organizations:

Ohio Department of Human Services

Ohio Department of Aging

Ohio Hospital Association

Ohio State Medical Association

Ohio Health Care Association

The Ohio Academy of Nursing Homes

The Association of Ohio Philanthropic Homes and Housing for the Aging

Ohio Hospice Organization

Ohio Council for Home Care

PATIENT SELF-DETERMINATION ACT

The following information is being provided to the resident as a result of a Federal Law which requires certain health care institutions, including nursing homes, to disclose to the residents his/her rights under the federal and state law to make decisions regarding his/her health care.

1. The facility recognizes the dignity and the value of each resident's life and the right of each resident to make decisions regarding his or her care. Where a resident is incompetent, the facility recognized the resident's right to have these decisions made on his/her behalf by a substitute decision-maker in accordance with the state law.