

## **INFORMATION ABOUT ADVANCE DIRECTIVES**

- 1) Physicians Surgery Center of Tempe, L.L.C., pursuant to Arizona State Law requires their staff to recognize the statutory right of each competent adult patient to receive or refuse medical treatment. This decision may be in the format of Advance Directives for Health Care Decisions.
- 2) When an adult patient is unable to make or communicate treatment decisions PHYSICIANS SURGERY CENTER OF TEMPE, L.L.C. must make a reasonable effort to locate and follow a health care directive. PHYSICIANS SURGERY CENTER OF TEMPE, L.L.C. must also make a reasonable effort to consult with a surrogate.
- 3) PHYSICIANS SURGERY CENTER OF TEMPE, L.L.C. will not discriminate against a patient based on the existence or non-existence of an Advance Directive.
- 4) Any staff member of PHYSICIANS SURGERY CENTER OF TEMPE, L.L.C. unable to comply with this policy shall not prevent another staff member of PHYSICIANS SURGERY CENTER OF TEMPE, L.L.C. from complying with this policy.
- 5) An attending physician who is unwilling or unable to follow the Advance Directive of a patient shall without delay transfer the patient, or not impede the transfer of the patient, to another physician who will follow the Advance Directive.
- 6) At the time of admission to PHYSICIANS SURGERY CENTER OF TEMPE, L.L.C. each adult patient shall receive the following forms:
  - A. A written copy of Patient Rights at this facility
  - B. A written summary of Arizona State Law on Advance Directives.
  - C. A written summary of PHYSICIANS SURGERY CENTER OF TEMPE, L.L.C. policy on Advance Directives.
  - D. An Advance Directive Acknowledgement to be signed by the patient and placed on his/her medical record.
- 7) Advance Directives provided to PHYSICIANS SURGERY CENTER OF TEMPE, L.L.C. by the patient will be placed in the patient's medical record.
- 8) Any attempt by a patient to revoke an Advance Directive shall be honored.
- 9) Brochures on Health Care Directives will be available to each patient/ patient representative at PHYSICIANS SURGERY CENTER OF TEMPE, L.L.C.

# AZ STATE LAW ON ADVANCE DIRECTIVES DECISIONS ABOUT YOUR HEALTH CARE

## How you can plan for the future with living wills and other care directives

You are getting this information about your rights to make or control your own health care decisions, because of a 1991 federal law. We hope this information will help you. A description of this health care organization's policies about your right to make health care decisions must be given to you along with this information. You are also encouraged to talk with your family, your doctor, and anyone else who could help you in these matters.

**Q.** Who makes your health care decisions?

**A.** You do, if you can make and communicate them. Your doctors should tell you about the treatment they recommend, other reasonable alternatives, and important medical risks and benefits of that treatment and the alternatives. You have the right to decide what health care, if any you will accept.

**Q.** What happens if you become unable to make or communicate your health care decisions?

**A.** You can still have some control over you health care decisions, if you have planned ahead. One way to plan ahead is by making a health care directive which names someone to make these decisions for you, or which guides or controls these decisions. If you have not named someone a health care directive, yours doctors must seek a person authorized by law to make these decisions. A person who makes health care decisions for you is called a surrogate.

**Q.** What is a health care directive?

**A.** It is a written statement about how you want you health care decisions made. Under Arizona law, there are two common types of health care directives. They are:

1. A living will, which is a written statement about health care you want or do not want that, is to be followed if you cannot make you own health care decisions. For example, a living will can say whether you want to be fed through a tube if you are unconscious and unlikely to recover.
2. A pre-hospital medical care directive which is a directive refusing certain life-saving emergency care given outside a hospital or in a hospital emergency room. To make one, you must complete a special orange form.

These directives used separately or together, can help you say "yes" to treatment you want and "no" to treatment you don't want.

**Q.** Must your health care directives be followed?

**A.** Yes, Both health care providers and surrogates must follow valid health care directives.

**Q.** Can you be required to make a health care directive?

**A.** No, whether you make a health care directive is entirely up to you. A health care provider cannot refuse care based on whether or not you have a health care directive.

**Q.** Can you change or revoke health care directives?

**A.** Yes. If you change or revoke a health care directive, you should notify everyone that has a copy.

**Q.** Who can legally make health care decisions for you if you are unable to make you own decisions and if you have not made a health care power of attorney?

**A.** A court may appoint a guardian to make health care decisions for you. Otherwise, you health care provider must go down the following list to find a surrogate to make health care decisions for you:

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 who are available.
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 of yours. (Someone who shows special concern for you and is familiar with you health care views).

If your health care provider cannot find an available and willing surrogate to make health care decisions for you, then you doctor can decide with the advice of an ethics committee or, if this is not possible, with the approval of another doctor.

You can keep anyone from becoming your surrogate by saying, preferably in writing, that you do not want that person to make health care decisions for you.

A surrogate will not have the right to refuse the use of tubes to give you food or fluids unless:

- You have appointed that surrogate to make health care decisions for you in a health care power of attorney; or,

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



## ADDITIONAL INFORMATION FOR ANYONE WHO ALREADY HAS OR WANTS TO MAKE A HEALTH CARE DIRECTIVE

**Q.** What if you already gave a living will or other health care directive?

**A.** A health care directive which was valid when made anywhere in the U.S. is valid under Arizona law. However, Arizona law changed on September 30, 1992 making few choices available to you. You should review your health care directives periodically and update them as needed.

**Q.** Do you need a lawyer to make a health care directive?

**A.** No, just be sure that your directive is valid under Arizona law.

**Q.** What does the law require for a health care directive after September 30, 1992?

**A.** A health care power of attorney must:

-Name a person to make health care decisions for you if you become unable to make your own decisions. You may also name additional person or persons to make decisions for you if your first choice cannot serve. The person or persons must be at least 18 years old.

-Be signed or marked by you and dated.

-Be signed by a notary or by an adult witness or witnesses, who saw you sign or mark the document and who say you appear to be of sound mind and free from duress. A notary or witness cannot be the person you name to make your decisions and cannot be providing health care to you. If you have only one witness, that witness cannot be related to you or someone who will get any of your property from your estate if you died.

A living will must:

-State how you want your health care decisions to be made in the future.

-Be signed or marked by you and dated.

-Be notarized or witnessed in the same way described above for a health care power of attorney.

The pre-hospital medical care directive must: Be in exactly the form required by law. The form must be orange and must have the following treatment which you will refuse:

1. Chest compression (chest pressure to the heart)

2. Defibrillation (electrically correcting heart beat)

3. Assisted ventilation (breathing by machine)

4. Intubation (supplying air through a tube down the throat)

5. Advanced life support medications

- Be signed or marked by you and dated.
- Be signed by a licensed health care provider and a witness.

You should talk to your doctor about pre-hospital directives if you are thinking about signing one.

If you have signed an orange pre-hospital medical care directive, you may also wear a special orange bracelet. It must state your name, your doctor's name, and the words "do not resuscitate." This bracelet will call to the attention of emergency medical personnel that you have completed the form and that you do not want the emergency medical care you have checked on the form.

**Q.** Who should have copies of your health care directives?

**A.** It is important that you give copies to your doctors at once and to any health care facility upon admission. You should give copies to anyone you have named to make health care decisions for you in a health care power of attorney. You may also want to give copies to close family members. Be sure to keep extra copies for yourself.

## SOURCES OF INFORMATION AND FORMS

The following organizations provide health care directive forms and information:

### **Aging and Adult Administration**

State of AZ

[www.azdes.gov/aaa/](http://www.azdes.gov/aaa/)

1789 W Jefferson, Site code 950A

Phoenix, AZ 85007 (602)542-4446

### **Arizona Medical Association**

<http://www.azmedassn.org/>

810 W. Bethany Home Rd.

Phoenix, AZ 85013 (602) 246-8901



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made available by the Arizona Hospital Association and this Hospital

**Dorothy Garske Center**

Your Health Care Choices Program

<http://www.dgcenter.org/>  
2140 E Fifth Street, Suite 8,  
Tempe, AZ 85281  
(480) 966-2674

Your local Area Agency on Aging and Senior Center may also have forms and information.

The following national organizations also provide health care directive forms and information:

**American Association of Retired Persons (AARP)**

<http://www.aarp.org/>  
601 E Street NW  
Washington, DC 20049  
1-888-OUR-AARP

**Choice in Dying**

<http://www.choices.org>  
200 Varick St., 10th floor  
New York, N.Y. 10014-4810  
1-800-989-WILL

The following organizations provide information and answer questions about health care directives and related legal matters:

**Arizona Senior Citizens Law Project**

<http://www.azlawhelp.org/>  
1818 S. 16th St.  
Phoenix, AZ 85034  
(602) 252-6710

**State Bar of Arizona**

**Arizona Bar Center**

[www.azbar.org](http://www.azbar.org)  
4201 N. 24th Street, Suite 200  
Phoenix, Arizona 85016-6288  
602-252-4804 (from within Maricopa County)  
866-482-9227 (toll-free outside Maricopa County)