



# The Right Way Every Day

Oct., 2009

A newsletter for BIDMC Employees highlighting our efforts to be in compliance

Issue 3

## It's Their Right: Advance Directives

Under state and federal law, patients have basic rights to be included in determining their goals of care:

- ✓ The Right to receive all information necessary to make informed decisions about their illness, care and recommended treatments options;
- ✓ The Risks and benefits to treatments;
- ✓ The Right to freely say, "yes" or "no", to any treatment, even those that could keep them alive

### True or False

**Under Massachusetts State Law, a husband, wife, sibling, adult child or partner is automatically the legal decision maker.** (False: Under Massachusetts State Law, a husband, wife, sibling, adult child or partner is not automatically the legal decision maker unless that person is named in the Health Care Proxy as the patient's agent, or a judge has named that person as legal guardian.)

**Health Care Proxy should be completed by all adults-people who are perfectly healthy as well as those who are sick.** (True: All adults are encouraged to prepare a Health Care Proxy.)

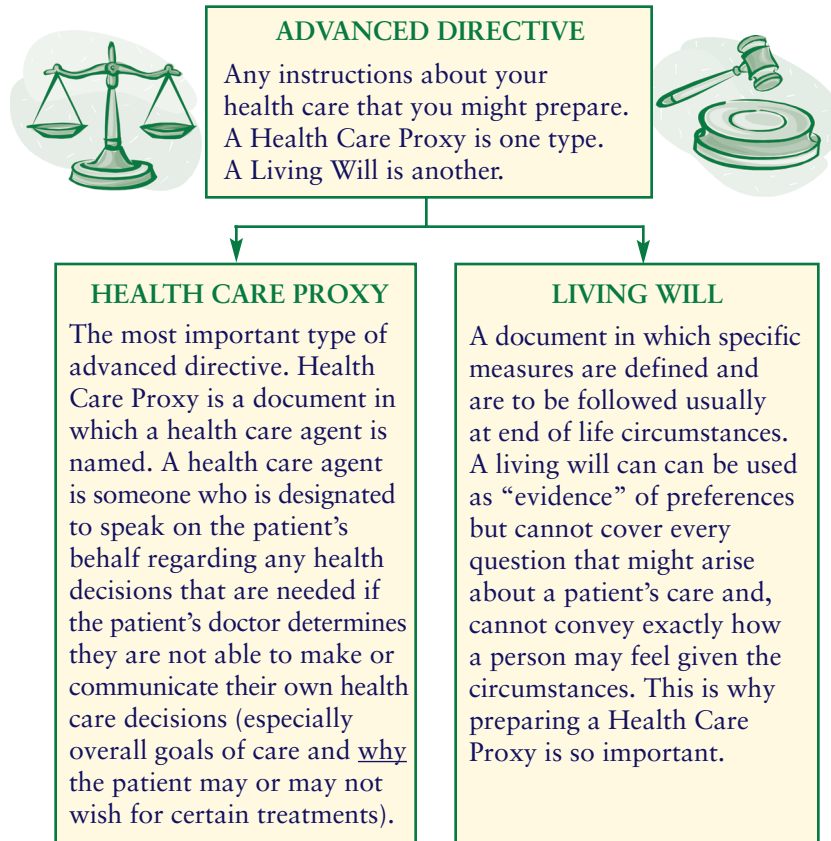
**A Health Care Proxy isn't necessary if a patient already has a living will.** (False: When writing a living will, it is very difficult to anticipate all of the circumstances under which complex medical decisions may need to be made and questions about a patient's preferences may still arise. A living will may not identify an individual with whom a doctor can discuss these important issues of care.)

**The Health Care Proxy form requires that a notary public or an attorney be involved in order to be considered valid.** (False: Neither a notary public or an attorney is needed to fill out a Health Care Proxy. It only requires 2 witnesses to sign that the person appears to be at least 18 years old, of a sound mind, and not under duress.)

**Staff can sign as a witness for a patient who has filled out an advanced directive.** (True: Staff members are encouraged to sign as a witness if the patient is at least 18 years old, of a sound mind, and not under duress.)

**For more information** please contact: Stephen F. O'Neill, LICSW, BCD, JD, Social Work Manager for Psychiatry and Primary Care; Associate Director, Ethics Support Service (617) 667-4873

## Advanced Directive vs. Health Care Proxy vs. Living Will What's The Difference?



### QUICK TIPS The Right Way

- ✓ **Set the example:** Discuss your health care wishes and preferences with your agent.
- ✓ **Provide** patients with information about advance directives.
- ✓ **Encourage** patients to have discussions about their advanced directives:
  - ◆ Designate a health care agent. This should be someone accessible and should be a person who is able to get input from others, if that is the patient's wish.
- ✓ **Contact:** the departments of Social Work (7-3421), Pastoral Care (7-3030) or the Ethics Support Service (7-3095) for more information.