

Question: What is an advance directive?

Answer: An advance directive is a legal document that gives you the ability to make certain your wishes are carried out regarding medical treatment during times when you are not able to make your own decisions.

Question: Who can create an advance directive?

Answer: Any person over the age of eighteen who has the ability to make medical decisions for himself/herself. An emancipated minor, a person under eighteen who is legally recognized as an adult, who has the ability to make medical decisions can create an advance directive, also.

Question: Am I legally required to have an advance directive?

Answer: No

Question: Are there different kinds of advance directives for medical care?

Answer: Yes. Tennessee recognizes the following four types of advance directives for medical care:

1. Appointment of Healthcare Agent (prior state law referred to this document as a Durable Power of Attorney for Healthcare)
2. Advance Care Plan (prior state law referred to this document as a Living Will)
3. Physician Orders for Scope of Treatment (POST) form/ Universal DNR (Do Not Resuscitate)
4. Declaration for Mental Health Treatment

Question: What are the purposes of each of the four types of advance directives for medical care?

Answer:

- An Appointment of a Healthcare Agent form allows you to choose someone to make healthcare decisions for you when you are unable to make decisions for yourself. This legal document only becomes effective when

you are unable to make healthcare decisions for yourself. Once the document is in effect, your healthcare agent has the power to make all healthcare decisions for you until you are able to make decisions for yourself again.

An appointed agent is able to make decisions regarding both your mental and physical health treatment. Nevertheless, if you have a diagnosed mental illness and sometimes experience symptoms that affect your ability to make treatment decisions, you may also want to fill out the Declaration for Mental Health Treatment.

- An Advance Care Plan form allows you to make advance decisions about withholding or withdrawing life-prolonging intervention and allows you to choose someone to make these kinds of decisions for you and/or make decisions in addition to your expressed wishes if unforeseen events occur.

This legal document only becomes effective when you are terminally ill or permanently unconscious **AND** are not able to make decisions regarding your own medical care.

A Physician Order for Scope of Treatment (POST) form is a doctor's order that can be completed by your doctor after examining you. If you are able to make your own decisions, the doctor will discuss

- options with your designated agent or surrogate chosen by the doctor.

This legal document helps reinforce decisions already made in an Advance Care Plan. This document can prevent staff from resuscitating you against your wishes and provide medical staff with more detailed information about your wishes for end of life care. However, such form will not be effective unless it has been signed by your doctor.

- A Declaration for Mental Health Treatment is a legal form that allows you to make advance decisions regarding mental health treatment. This form only becomes effective if you are unable to make your own decisions about mental health treatment.

Question: Can I have more than one type of advance directive?

Answer: Yes. If you decide to implement an advance directive, it may be appropriate for you to have one or more of the types depending on your specific situation. The documents may be in effect at the same time if they do not contain conflicting information. If there is a conflict between these documents, the one dated most recently will be the one that medical providers follow.

Question: Can I change my mind after implementing an advance directive?

Answer: Yes. If you change your mind after implementing one or more of these legal documents, you can cancel the documents by clearly indicating they are no longer in effect or by destroying them.

Question: If I do not implement an advance directive, who will have the right to make medical decisions for me if I am unable to make those decisions?

Answer: If you do not have an advance directive, no one will have an automatic right to make medical decisions for you. Not even your spouse or relative will automatically have that right. Instead, Tennessee law gives your treating physician the right to choose a surrogate to make medical decisions for you. Although physicians often choose a spouse or relative to be the surrogate decision maker, the law only requires them to choose "an adult who has exhibited special care and concern for the patient, who is familiar with the patient's personal values, who is reasonably available, and who is willing to serve."

Question: If I implement an advance directive and a court order later appoints a conservator for me, will the advance directive remain in effect?

Answer: If you were able to make medical decisions at the time you implemented the

Appointment of Healthcare Agent, Advance Care Plan, and/or POST form, those advance directives will remain in effect even if the court later appoints a conservator for you. This is the case unless the court who appoints the conservator orders otherwise. Unless a court orders otherwise, a healthcare agent you have chosen will be able to make medical decisions for you without consulting your court appointed guardian.

A Declaration of Mental Health Treatment expires two years after it is created regardless of whether a court appoints a conservator for you. If you have a mental health diagnosis and are concerned about the potential appointment of a conservator, you may want to implement both an Appointment of Healthcare Agent form and a Declaration of Mental Health Treatment so even if the Declaration expires while you have a conservator, the Appointment of Healthcare Agent will remain in effect.

Question: If I decide to implement an advance directive, is there anyone I should talk to before completing the form(s)?

Answer: With the exception of the POST form, you can complete advance directive forms without consulting with anyone as long as you follow the forms' requirements about having your signature witnessed and notarized. It may be helpful for you to discuss with any individual you intend to appoint as your healthcare agent to make certain that person is willing to be your agent and understands your wishes regarding medical treatment. It may be helpful to discuss your health and treatment options with your doctor, also.

To request an Appointment of Healthcare Agent form, an Advance Care Plan form, or POST form, you may contact the Tennessee Department of Health at 1-800-778-4504.

To request a Declaration for Mental Health Treatment, you may contact the Tennessee Department of Mental Health at 1-800-560-5767.

Reference: Disability Law & Advocacy Center of Tennessee

PATIENTS' RIGHTS AND RESPONSIBILITIES

1. *The patient has the right to courteous, considerate and respectful care.*
2. *The patient has the right to obtain from his physician complete and current information concerning his diagnosis, treatment and prognosis in terms the patient can be reasonably expected to understand. When it is not medically advisable to give such information to the patient, the information should be made available to an appropriate person on his behalf. He/she has the right to know, by name, the physician responsible for coordinating his/her care.*
3. *The patient has the right to receive from his physician information necessary to give informed consent prior to the start of the procedure and/or treatment. Except in emergencies, such information should include but not necessarily be limited to their diagnosis, the specific procedures and/or treatments, the medically significant risks involved prognosis and the probable duration of incapacitation. Where medically significant alternatives for care or treatment exist, or when the patient request information concerning medical alternatives, the patient has the right to such information.*
4. *The patient has the right to participate in decisions involving his/her care except when contraindicated for health reasons and to refuse treatment to the extent permitted by law and to be informed of the medical consequences of his action.*
5. *The patient has the right to every consideration of his privacy concerning his own medical care program. Case discussion, consultation examination and treatment are confidential and should be conducted discreetly. Those not directly involved in his care must have the permission of the patient to be present.*
6. *The patient has the right to expect that communications and records pertaining to his care should be treated as confidential.*
7. *The patient has the right to expect that within its capacity an ASC must make reasonable response to the request of a patient for services. The Facility must provide evaluation, service, and/or referral as indicated by the urgency of the case. When medically permissible, a patient may be transferred to another health care facility after he has received complete information and explanations concerning the needs for and alternatives to such a transfer. The institution to which the patient is to be transferred must first have accepted the patient for transfer.*
8. *The patient has the right to obtain information as to any relationship of this facility to other health care and educational institutions, insofar as his care is concerned, The patient has the right to obtain information as to the existence of any professional relationships among individuals, by name, who are treating him.*
9. *The patient has the right to be advised when the facility proposes to engage in or perform human experimentation affecting his care or treatment. The patient has the right to refuse to participate in such research projects.*
10. *The patient has the right to expect reasonable continuity of care and to know in advance what appointment times and physicians are available and when. The patient has the right to expect that the facility will provide a mechanism whereby his physician or a delegate of the physician of the patient's continuing health care requirements following discharge informs him.*

11. *The patient has the right to facility payment plans and to examine and receive an explanation of his bill regardless of the source of payment.*
12. *The patient has the right to know what Facility rules and regulations apply to his conduct as a patient; e.g., the patient is responsible for providing information about his/her health, including past illnesses, hospitalizations and medication. The patient is responsible for asking questions to seek information or clarification of things not understood and for advising the physician if the decision is made to stop the treatment plan. The patient is responsible for providing payment information and making arrangements to pay.*
13. *The patient has the right to receive service(s) without regard to age, race, color, sexual orientation, religion, marital status, sex, national origin, physical handicap, source of payment or sponsor.*
14. *The patient has the right to be free from mental, physical, sexual, and verbal abuse, neglect, and exploitation.*
15. *The patient has the right to expect all allegations, observations or suspected cases of abuse, neglect or exploitation that occur in the organization will be investigated.*
16. *The patient has the right to be informed of the support services available at the center, including the availability of an interpreter.*
17. *The patient has the right to be informed of the provisions for off-hour emergency coverage.*
18. *When care, treatment, and services are subject to internal or external review that results in the denial of care, treatment, services, or payment, the organization makes decisions regarding the provision of ongoing care, treatment, services, or discharge based on the assessed needs of the patient.*
19. *The patient has the right to be informed of the charges for service eligibility for third-party reimbursements and, when applicable, the availability of free or reduced cost care.*
20. *The patient, who is Medicare eligible, has the right to know, upon request and in advance of treatment, whether the facility accepts the Medicare assignment rate.*
21. *The patient has the right to receive an itemized copy of his/her account statement upon request.*
22. *The patients has the right to voice grievances and recommend changes in policies and services to the center's staff, the operator and the governing state agency without fear of reprisal.*
23. *The patient has the right to express complaints about the care and services provided and to have the center investigate such complaints. The center is responsible for providing the patient or his/her designee with a written response within 30 days if requested by the patient, indicating the findings of the investigation. The center is also responsible for notifying the patient or his/her designee that if the patient is not satisfied by the center response, the patient may complain to the governing state agency.*
24. *In accordance to HIPAA, the patient has the right to inspect and copy his/her record; to amend the record; to receive an accounting of the disclosures of the record; to request*

- restrictions on certain uses and disclosures of the record; to receive confidential communications of the record; to approve or refuse the release or disclosure of the contents of his/her medical record to any health care practitioner and/or health care facility except as required by law or third - party payment contract; and to obtain a paper copy of the Privacy Notice.
25. *The patient has the right to expect that marketing and/or advertising conducted by the facility is not misleading.*
 26. *The patient has the right to have an advance directive, such as a Living Will or health care proxy. These documents express the patient's choices about their future care or name someone to decide if he/she cannot speak for himself/herself. If the patient has a written advance directive, a copy should be provided to the facility.*
 27. *The patient has the right to expect that the staff, who are all committed to pain prevention and management, will believe his/her report of pain and will respond quickly to provide information about pain and relief measures.*
 28. *The patient is responsible for providing information about past illnesses, hospitalizations, medications, and other matters relating to their health and to answer all questions concerning these matters to the best of their ability.*
 29. *The patient is responsible for being considerate of other patients and to see that family members are also considerate, especially in regards to smoking, noise and visitation policy.*
 30. *The patient is responsible for being respectful of others, their property, and the property of the facility and its personnel.*
 31. *The patient is responsible for promptly arranging for the payment of bills and provide necessary information for insurance processing.*
 32. *The patient is responsible for keeping all appointments promptly at their scheduled time or contacting staff as early as possible if a scheduled appointment cannot be kept.*
 33. *The patient is responsible for following instructions and the health care plan recommended by the health care provider and for asking questions if information is not understood.*
 34. *The patient is responsible for informing staff of physical changes experienced during treatment.*
 35. *The patient is responsible upon discharge by staff; to maintain the follow-up treatment recommended.*
 36. *The patient is responsible for asking for pain relief when the pain first begins and for providing help in assessing such, as well as notification if the pain is not relieved as expected.*
 37. *The patient is responsible for inquiring as to expectations regarding pain and pain management as well as discussions regarding relief options and concerns regarding pain medication.*
 38. *The patient has the right to contact the accreditation agency, the State and/or CMS to report complaints or other issues regarding the quality of care at this institution.*

A COPY OF THIS DOCUMENT CAN BE OBTAINED AT THE RECEPTIONIST'S DESK.