

The Villages®
Public Safety Department

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*Do You Have An
Advanced Directive?*

**Living Wills
Health Care Surrogates
Do Not Resuscitate Orders**

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Where can I find more information on Florida Statutes and Administrative Codes on “end-of-life” issues?

Chapter 765 and Chapter 401.45, Florida Statutes address end-of-life issues. Chapter 64E-2.031, Florida Administrative Code addresses the Do Not Resuscitate Order. Both can be accessed via the Internet. Your attorney can also assist you.

What Is An ADVANCED DIRECTIVE?

Death and taxes. It's said that these are the only certainties in life. There is a difference, however. Everyone talks about taxes, or, more appropriately, everyone complains about taxes, but few of us willingly talk about death. Death, however, is one of those subjects that need to be talked about, and long before death is at our door! Advanced health directives should be a part of that discussion.

An **advanced directive** tells your physician (or the paramedics who show up at your door) what kind of care you would like to have if you become unable to make medical decisions for yourself. Most advanced directives are written by older or seriously ill people. An individual with terminal cancer might write a directive that states that he does not want to be put on a respiratory if he stops breathing. Such an action can reduce suffering, increase peace of mind, and increase the patient's control over his death. Advanced directives describe the kind of treatment you would want depending upon how sick you are. In short, you get to make decisions about your health care before the health care crisis happens.

Advanced directives can take many forms, but in Florida there are three specific documents that every resident should consider: a Living Will, Designation of a Health Care Surrogate, and a Do Not Resuscitate Order. It's important to know the differences between these three and how they will be used.

THE LIVING WILL

A Living Will lets you state your wishes about medical care in the event that you have an end-stage condition, become persistently vegetative, or develop a terminal condition and can no longer make your own medical decisions. In short, you get to decide what medical care you will receive – or not receive – even if you cannot speak for yourself.

In a Living Will you may give specific instructions. For example, you may want to refuse specific treatments by listing those treatments. For example, a Living Will might state, “If at any time I am incapacitated and have a terminal condition, or have an end-stage condition, or am in a persistent vegetative state and if my attending or treating physician and another consulting physician have determined that there is no reasonable medical probability of my recovery from such condition, I direct that life-prolonging procedures be withheld or withdrawn when the application of such procedures would serve only to prolong artificially the process of dying, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort care or to alleviate pain.”

It is important to understand that in Florida a Living Will is only effective if you are in a hospital or other health care facility. The Paramedics who arrive at your home when you suffer respiratory arrest cannot follow the directions of your Living Will. They are required to resuscitate you, unless you have a Do Not Resuscitate Order (DNRO) in place.

And remember: You can revoke your Florida Living Will at any time you feel the document no longer reflects your wishes. You are in control.

DESIGNATION OF A Health Care Surrogate

The Florida Designation of a Health Care Surrogate lets you name someone to make decisions about your medical care – including decisions about life support – if you can no longer speak for yourself. The Designation of Health Care Surrogate is especially useful because it appoints someone to speak for you any time you are unable to make your own medical decisions, not only at the end of life.

Your surrogacy form allows you to designate both a primary surrogate and an alternate should the primary surrogate be unwilling or unable to perform the duty.

Your Health Care Surrogate designation might state, “In the event that I have been determined to be incapacitated to provide consent for medical treatment and surgical and diagnostic procedures, I wish to designate as my surrogate for health care decisions...” The alternate would act only when the individual named above is unable or unwilling to act, or is unavailable.

Your Health Care Surrogate may speak for you when you are in a hospital or other health care facility. But, like the Living Will, designation of a Health Care Surrogate does not affect initiation of resuscitative care (CPR, artificial ventilation, cardiac compressions, endotracheal intubation, and/or defibrillation) by paramedics who show up at your home. The paramedics are required to initiate cardiopulmonary resuscitation under those circumstances.

Think carefully about whom you choose as your Health Care Surrogate (and/or alternate). Your surrogate needs to be an individual whom you trust and are certain will act in your best interest. You can revoke your designation at any time. Surrogacy: Another way to stay in control.

DO NOT RESUSCITATE ORDERS

The Do Not Resuscitate Order (DNRO) allows the end-of-life patient to direct all health care professionals (including paramedics) to withhold cardiopulmonary resuscitation (CPR) including artificial ventilation, cardiac compressions, endotracheal intubation, and/or defibrillation if your heart stops or if you stop breathing, whether at home or in a health care facility. The DNRO is actually a medical order written by your physician and signed by you.

Three points are vitally important to understand about the DNRO.

First, it is the only advanced directive that the paramedics are allowed to follow when death occurs outside of a health care facility such as a hospital or nursing home. Yes, the DNRO will be followed in those facilities, but when you choose to remain at home for those last few months, weeks, or days, the DNRO is your only option to prevent medical intervention upon death.

Second, a Florida DNRO must be signed by both you and your physician, and the form must include the doctor's medical license number. Your signature alone will not prevent resuscitation.

Third, a Florida DNRO must be printed on yellow paper, whether original or copies. While the paramedics (or hospital personnel) can comply with your request to withhold resuscitation, the order that directs that action **must** be printed on **yellow paper**. Photocopies (in yellow) are acceptable. The DNRO must be presented to responding paramedics immediately upon their arrival in order to prevent resuscitative efforts.

Because a DNRO requires a physician signature, you should talk to your doctor before you are sick and considered unable to make your own decisions. You can revoke your DNRO at any time. You control your fate with a DNRO. **Remember, the original and any copies MUST be printed on yellow paper.**

You may print out your own copy of the Florida DNRO by going to the website below:

<http://www.doh.state.fl.us/DEMO/Trauma/DNRO/Form1896.pdf>

Frequently asked questions about ADVANCED DIRECTIVES

How do I make a Living Will or designate a Health Care Surrogate?

There are several sites on the Internet that will allow you to download the appropriate forms to make a Living Will or designate a Health Care Surrogate. While you do not need an attorney to prepare either a Living Will or Designation of a Health Care Surrogate, you should consider consulting your attorney to insure that your rights are properly spelled out in each document.

Do I need to have my Living Will or Designation of a Health Care Surrogate notarized?

No. You must have two witnesses who sign your completed form. Both Witnesses must also include their home address.

How do I get a Do Not Resuscitate Order?

Because a DNRO is a physician's order, you must see your primary physician. He/she should be able to provide the proper forms. You can also download the forms from the Internet. REMEMBER, the original and any copies MUST be printed on yellow paper. Your wishes will not be carried out if you do not have this on yellow paper.

How do I cancel or change an advanced directive?

It is your right to modify or cancel an advanced directive at any time as long as you are considered of sound mind to do so, whether it is a Living Will, Designation of a Health Care Surrogate, or a Do Not Resuscitate Order. Be sure to let your doctor and family know of any changes or cancellation. Destroy all copies of the old advanced directive.

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