

# **Completing the Updated Living Will and Durable Power of Attorney for Healthcare**

## **For Medical and Legal Professionals**

Advance Directives are legal documents informing others of the patient's wishes relative to medical treatment and who can make decisions for the patient when s/he is unable to do so.

The Idaho statutory Living Will and Durable Power of Attorney for Healthcare are combined as one document. The North Idaho Palliative Care Coalition recently created an updated document based on the Idaho statutory Advance Directive form. The update was prepared in order to make the document easier to understand and to offer the opportunity to document wishes for situations in which death is not imminent; but in which significant changes in quality of life have occurred due to injury or illness. The new document is substantially similar to the statutory document.

The document is valid even if one or more sections is left blank.

### **COMPLETING THE LIVING WILL**

A Living Will is a legal document that tells the doctor and other healthcare providers whether or not the maker of the document (Principal) wishes to have life-sustaining treatment and procedures provided if s/he is in a terminal condition or persistent vegetative state, and the level to which such treatment should be provided. The Living Will can also contain other specific directions about care.

A Living Will is not the same as a "Do Not Resuscitate" order. In order to have a Do Not Resuscitate order outside of the hospital that will be honored by EMS, there must be a completed POST DNR that is signed by the patient's physician, nurse practitioner or physician assistant. If the Principal wishes to be "Full Code" (all resuscitation measures taken), it is NOT required to have a completed POST form, as the default code status in Idaho is Full Code.

1. The Living Will offers options relative to life-sustaining medical treatment in a situation where the Principal:
  - Has an incurable injury, disease or illness or condition which a medical doctor has certified is terminal; that life-sustaining procedures will only prolong life artificially; and that death is imminent whether or not artificial life-sustaining procedures are utilized.

OR

- Where the Principal has been diagnosed as being in a persistent vegetative state.

Principal should choose one of the three options relative to life-sustaining medical treatment, including artificial hydration and artificial nutrition. Choose either (1), (2) or (3), check the box next to that choice and initial. (Note that Box 2 requires an additional choice of hydration, nutrition or both.)

Regardless of the box chosen, pain and symptom management (comfort care) will be provided.

2. **Special Provisions section.** This is an optional section which offers an opportunity to choose discontinuation of life-sustaining medical treatment or procedures and transition to focus on comfort care if the Principal has a medical condition from which s/he is not likely to recover, and where s/he is unable to think or communicate and is dependent upon others for care. The section also provides a box in which to record specific instructions such as Do Not Resuscitate, ICU care/no ICU care, whether or not s/he is willing to live permanently in a nursing home, treatment limitations, and so on. The box corresponding to the chosen provision(s) must be checked and initialed.
3. **Idaho Post Form Verification section.** The final section of the Living Will is for recording whether or not the Principal has completed a POST form with his/her physician. The appropriate box should be checked and initialed.

### **COMPLETING THE DURABLE POWER OF ATTORNEY FOR HEALTH CARE**

A Durable Power of Attorney for Health Care is a legal document in which the Principal appoints another person (agent) to make medical decisions for him/her if s/he should become temporarily or permanently unable to make those decisions. The Durable Power of Attorney for Health Care applies to medical decisions only. The “job” of the Agent is to advise the Principal’s health care team what the Principal’s wishes are, and to advocate for the treatment consistent with the Principal’s wishes.

1. The first section of Power of Attorney for Health Care provides an opportunity to appoint an Agent who will make healthcare decisions for the Principal in case the Principal is unable to express his/her wishes or make decisions.
2. The next section provides an opportunity to name one or more Alternate Agent(s) in case the primary Agent is unavailable or unable to act as Agent.
3. The remaining sections of the Durable Power of Attorney for Health Care explain the powers and authorities provided by the document, as well as provisions relative to signing, prior documents create, and so on.

The document must include the Principal’s name and must be signed and dated by the Principal in order to be valid.

As with the Idaho Statutory form, no witnesses or notarization are required.