



C14 Clinical- Clinical Summary of the Patient Self-Determination Act of 1991

The Patient Self Determination Act sponsored by Senators Danforth and Moynihan and Representative S. Levin, brings advance directives to a new level of public awareness, both in the community and within health care institutions.

The law applies to all health care institutions receiving Medicare or Medicaid including:

1. Hospitals
2. Skilled Nursing Facilities
3. Hospices
4. Home Care Programs
5. HMOs

The law requires these health institutions to:

1. Maintain written policies and procedures concerning your rights under state law to make decisions regarding your care, including the right to accept or refuse medical treatment and the right to formulate advance directives.
2. Ensure this written information is provided to you.
3. Note in your patient record whether or not you have made an advance directive.
4. Ensure compliance with your advance directives consistent with state law.
5. Provide education on advance directives.

The Living Will

1. Provides legally valid evidence of your health care preferences.
2. State how you wish to be treated in the event of a terminal incurable disease or condition.
3. Must be signed, dated, and witnessed.
4. Modifications or additions can be made according to individual needs.

The Durable Power of Attorney for Health Care (Health Care Proxy)

1. Provides legally valid evidence of your health care preferences.
2. Names another person called your agent or proxy to make medical decisions for you if you are unable to make them for yourself.
3. Gives agent very broad decision making responsibilities so you must name a person you trust and who understands you.

Points to Remember About Advance Directives

1. Include your loved ones in advance directives discussions and decision making
2. Your physician and health care facility representative should also be consulted.



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3. Inform people such as your family, close friends, and physician about your advance directive.
4. If desired, you can fill out both a living will and durable power of attorney for health care.
5. A lawyer is generally not necessary for filling out an advance directive, but maybe helpful.
6. An advance directive can be changed or revoked at any time.
7. Advance directives have no effect until the time when you can no longer make or communicate decisions for yourself.

For more information:

American Association of Retired Persons

<https://www.aarp.org/>

American Bar Association

https://www.americanbar.org/groups/law_aging/resources/health_care_decision_making.html

American Health Decisions

<https://www.nhdd.org/>