

Advance Health Care Planning in Kansas 101

Advance directives are legal documents that allow you to voice your wishes regarding future medical care/treatment in the event that you become unable to do so for yourself.

So, what are advance directives? Advance Directives are the legal forms that you complete when you engage in Advance Health Care Planning. These are legal documents that allow you to voice your wishes regarding future medical care and treatment in the event that you become unable to do so for yourself.

DURABLE POWER OF ATTORNEY FOR HEALTHCARE

Today, we will specifically discuss THREE types of advance health care planning documents:

1. Durable Power of Attorney for Healthcare
2. Living Will
3. Pre-Hospital Do-Not-Resuscitate Directive or DNR

To begin, let's start by discussing the Durable Power of Attorney for Health Care.

- Appoint an “agent” to speak on your behalf
- The agent:
 - Will speak for you only if you become incapacitated due to illness or injury
 - Can make treatment decisions (how/who), medical facilities, organ donation, autopsy, and what to do with your body after death
 - Cannot revoke wishes from a living will

A Durable Power of Attorney for health care is legal document in which you appoint someone to speak for you on your behalf. In Kansas, this person is called your “agent”. You might have also heard them called a “health care agent”, “proxy”, or “health care proxy”.

This individual, that you have appointed, can only speak for you if you were to become incapacitated due to illness or injury. If something happened to you right now and you were still able to verbally speak for yourself, your agent would have NO say over your medical care.

So, what kinds of decisions can your agent make for you? They can decide what treatment you will receive, in addition to where and who is treating you. For example, if you had a serious accident in a rural western Kansas town, your health care agent can specify that they would like you to be sent to Kansas City for more specialized treatment and care. Your agent can also make decisions regarding organ donation, whether there should be an autopsy on your body (though this can be overridden if legally required for a suspicious death), and what to do with your body after death. They can say if you preferred to be buried and where, or if you’d like to be cremated and what should be done with your ashes.

It is important to note that your durable power of attorney for health care CANNOT revoke any additional wishes you have put in writing – these are generally stored in your living will, and we will talk about that in a few minutes. So, if you noted, in writing, that you did not want to be put on a ventilator, your agent cannot decide to put you on a ventilator against your written wishes, for example.

Your agent should be someone:

- You trust
- Who knows you well
- Who will advocate for you
- Who will honor your wishes



So, now that you know the legal requirements for who you can appoint – who should you appoint?
Your agent should be someone:

- You trust
- Who knows you well
- Who will advocate for you
- Who will honor your wishes

Remember that your wishes might be different than those of your agent – so you need to make sure that they would be comfortable carrying out your wishes even if it's something that they wouldn't want for themselves.

I want you to take a second and ask yourself, who would you appoint as your Durable Power of Attorney for Health Care? You don't have to share your response – just take a moment to think about it.

How many people knew right away? How many still aren't sure? This is a tough decision and takes a lot of thought. It's okay if you have to think and list the pros and cons – this is a big decision!

LIVING WILL

The next document we'll be talking about today is the living will.

- An instruction list to your physician, family, and friends that outlines what type of life-sustaining procedures you want at the end of your life
- Essentially a request to die naturally utilizing only comfort measures



Knowledge
for Life

A living will is different from a durable power of attorney in that it will become effective when you've been diagnosed as "terminal" by two physicians. Terminal simply means that you are dying. If you are diagnosed as terminal, your living will becomes effective.

So, what does a living will do?

A living will is an instruction list to your physician, family, and friends about the preferences you have regarding life-sustaining or end-of-life care.

Kansas also offers a fill-in-the-blank version of this form, which is essentially a request to die naturally. Medical professionals can only utilize comfort care measures – such as pain relief – if you utilize this form.

- “...I direct that such procedures be withheld or withdrawn, 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”

Specifically, the form says this: “...I direct that such procedures be withheld or withdrawn, 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”.

If you would like to add specific requests regarding things like mechanical ventilation, tube feeding, dialysis, or antibiotics, you need to utilize the services of an attorney.

PRE-HOSPITAL DNR

The last document we're going to talk about is a pre-hospital DNR.

Before we begin talking, I just want to preface this conversation by saying that, most likely, none of us in this room need a pre-hospital DNR right now. DNRs are serious documents and should only be completed if absolutely necessary.

- Written communication of your desire to not have resuscitation *attempted* should you stop breathing or your heart stops beating
- Typically only terminally ill or incredibly frail elderly have a DNR

A pre-hospital DNR states that you do not want to have resuscitation attempted, should you stop breathing or your heart stops beating. Note that this says “attempted”, as successful resuscitation cannot always be guaranteed.

So, this means that, if you were to have a medical emergency and an ambulance came, they could NOT perform CPR on you in an attempt to revive you.

Again, this document is not for everyone and is generally only recommended for terminally ill or incredibly frail individuals.

HOW CAN I COMPLETE THESE DOCUMENTS?

Please provide attendees with a copy of MF3280 – Advance Health Care Planning in Kansas – or direct them on where to find it. All of the forms are included in the publication.

- Fill-in-the-blank forms
- Must be:
 - Signed and dated
 - Notarized

OR

 - Signed by two witnesses
- Pre-Hospital DNRs must be signed by your physician as well

Kansas makes it easy and offers a fill-in-the-blank form (*if you have the MF3280 – Advance Health Care Planning in Kansas – publication handy, please refer to it*).

You simply fill out your name and contact information and get the form signed by a notary or two witnesses. If you choose two witnesses, there are some limitations in place to protect you. Those individuals must be 18, and CANNOT be related to you, entitled to your estate, or have direct financial responsibility for your health care.

If you are completing a pre-hospital DNR, your physician and one witness must sign the document.

FINAL THOUGHTS

So, now that we've learned about the various advance planning forms, I want to share some final, important thoughts with you.

How to sign up:

- Register online: donatelifekansas.com/join
- Say “yes” at the DMV
- Call 1-888-744-4531 to request a form

If you would like to become a registered organ donor in Kansas, you can easily do so.

You can easily register online at www.donatelifekansas.com/join. You can also request to be a donor at the DMV the next time you renew your drivers license. They will typically ask you if you want to be an organ donor, but if not, be sure to ask how to sign up. You can also call 1-888-744-4531 to request a sign-up form to be mailed to you.



My final thought is adequately summed up by this cartoon:

“They were sad when they found out their wealthy grandfather had died in an earthquake. They were DEVASTATED when they discovered he had written his will on an etch a sketch.”

So, the moral of the story here is that if you don't properly store your documents, they are useless!

- House
- Vehicle
- Any place that you frequently visit for long periods of time
- Family / close friends
- Physician / hospital
- Health care agent



It is crucial that you store your documents in accessible places. Always keep a copy in your house – a great place is to store it on your refrigerator. (*Note: If your county offers Operation Red File, please talk about the initiative here.*) Think about where your documents could be stored that would be visible and accessible.

Brainstorm with your participants – where could they keep their documents where emergency responders or family members would know to look? Generally the refrigerator is a good bet, but there might be other good ideas to share here as well.

You also need to store a copy in your vehicle, such as in the glove box.

Also keep in mind any place that you visit for long periods of time. For example, if you frequently visit your children on the other side of Kansas, make sure that they have a copy on hand as well. You never know when and where an accident might happen.

It is also wise to give copies to family and close friends. Think about who would come to the hospital if something were to happen to you. Those people should, likely, all have a copy of your documents.

Be sure to give copies of all of your forms to your doctor and your hospital. Your doctor's office and hospital will generally take the copy, scan it, and store it with your electronic medical records. If your doctor or hospital still uses paper records, they will keep a copy with your file.

Also be sure to give a copy to your health care agent – the person you can appoint with your Durable Power of Attorney for Health Care Document. The person who will be in charge of your decision making will obviously need an accessible copy to these documents.

Finally, DO NOT store your advance planning documents in safe deposit boxes at your local bank. If something were to happen to you, who could get into this box?

Most likely the answer is either “no one” or “my spouse”. If no one can get to it, the form is useless. Also, the last thing your spouse needs to do during a medical crisis is run to the bank – so just don’t put it there!

Making sure that your forms are accessible, and that people know the documents exist, are the most important parts of planning.

I HAVE A DURABLE POWER OF ATTORNEY FOR HEALTH CARE	A copy of my document can be found in these places:
My Name:	
My Health Care Agent:	
My Agent's Phone #:	Other copies of my document are held by:
My Doctor:	Name: Phone:
My Doctor's Phone #:	Name: Phone:

My final tip regarding storage of your documents is to make it known where your documents are stored. Wallet cards are a great way to do this. Simply fill out the information you see on this screen – your name, health care agent, doctor, and where your documents are stored – and laminate the sheet to keep in your wallet. Your wallet will be the first place most first responders will look to find out information about you.

If you have the MF3280 – Advance Health Care Planning in Kansas – publication, please refer to the wallet cards in the back. They will fold and laminate to be exactly the same size as a credit card.



Before I take any questions, I just want to remind you to keep calm and complete your advance directives! 😊

Questions?