

Your Rights as a Patient

You have legal rights when you go to a hospital, nursing home, doctor or other medical caregiver. Usually these rights include:

- The right to keep your medical records private;
- The right to know what medical care your doctor recommends if you are sick or hurt; and
- The right to refuse all or part of any medical care you do not want.

Sometimes, because of a sickness or injury, you may not be able to let people know your feelings about these rights. For that reason you may wish to have a paper called an "Advance Directive." It tells your doctor and other caregivers what you want if you need care when you are not able to speak for yourself.

Types of Advance Directives

There are two common types of Advance Directives. One is called a "Living Will." The other is called a "Durable Power of Attorney for Health Care."

Where to Get More Information

To learn more about Advance Directives in your area contact:

- The State Hospital Association.
- The State Medical Society.
- Your local area Agency on Aging.
- The office of your State Attorney General.

For further information about Medicare, call **1-800-638-6833**. The TTY/TDD for people with hearing and speech problems is **1-800-820-1202**.



Your Rights as a Patient

You have legal rights when you go to a hospital, nursing home, doctor or other medical caregiver. Usually these rights include:

- The right to keep your medical records private;
- The right to know what medical care your doctor recommends if you are sick or hurt; and
- The right to refuse all or part of any medical care you do not want.

Sometimes, because of a sickness or injury, you may not be able to let people know your feelings about these rights. For that reason you may wish to have a paper called an “Advance Directive.” It tells your doctor and other caregivers what you want if you need care when you are not able to speak for yourself.

Types of Advance Directives

There are two common types of Advance Directives. One is called a “Living Will.” The other is called a “Durable Power of Attorney for Health Care.”

Living Will: In a Living Will you say what health care you want, or do not want, in the event you have a medical emergency and are either mentally or physically not able to speak for yourself. This is called a living will because it takes effect while you are still living.

It is important for you to show your Living Will to your doctor to be sure that your instructions are understood and can be followed. Give your doctor a copy of your Living Will to put in your medical file. Also, let a family member or a close friend know that you have a Living Will and where they can find it if it is needed.

Durable Power of Attorney for Health Care: In a Durable Power of Attorney for Health Care, you pick another person to make decisions about your medical care. That person will make medical decisions for you when you are either mentally or physically not able to speak for yourself.

This other person is called your “agent.” Your agent can be a family member, other relative, close friend, or another trusted person such as your lawyer. If you prepare a Durable Power of Attorney

for Health Care, you may want to name two people as your agents. The first person would be your primary agent. The second person would be your alternate agent. The second person would make medical decisions for you only if the first person cannot be reached at the time you have a medical emergency.

Make sure your agents understand what care you do or do not want in a medical emergency and that they are willing to follow your wishes. If you want to, you can put directions for your care in a Durable Power of Attorney for Health Care, just as you would in a Living Will.

Advance Directives and the Law

Federal law requires hospitals, skilled nursing facilities, hospices, home health agencies and health maintenance organizations (HMOs) serving persons covered by either Medicare or Medicaid to give you information about Advance Directives. The facility must tell you about your legal right to have an Advance Directive and to refuse any medical care you do not want.

Every state, the District of Columbia, and United States Commonwealth or Territory has laws which let people have Advance Directives. However, the laws are not the same in every state. If you spend a great deal of time in a state other than your home state, you may want to have your Advance Directive meet the laws of both states, as much as it can. Or you may wish to have a separate Advance Directive for each state where you think you might go for medical care.

While the laws are not the same in each state, the basic rule of doing what the patient wants is the same everywhere.

In most states, both a Living Will and a Durable Power of Attorney for Health Care are papers which must be signed by you and by two other adults (witnesses). These two adults must watch you sign the paper, and the paper must be dated at the time you sign it.

Your state may have its own Living Will form which you can get from the Office of your State Attorney General. The office telephone number is in the blue pages of your telephone directory. Community organizations may also have forms which you can fill out and sign.

If you plan to write your own Living Will or Durable Power of Attorney for Health Care, find out what the laws are in the state where you may be a patient. After you know what the laws are, you are ready to start writing your Advance Directive. To help you decide what to say in it, you may wish to talk with family members, close friends, your doctor, your lawyer, or another trusted person such as your minister.

Advance Directives Are not Required

You do not have to prepare an Advance Directive if you do not want one. If you do have one, you may change or cancel it at any time.

Any change or cancellation should be written, signed, dated, and witnessed. Copies of the changed Advance Directive should be given to your doctor and to others who have a copy of the old one. Before making any changes, find out what the state law says you must do when you change an Advance Directive.

If you wish to cancel or change an Advance Directive while you are in the hospital, you should tell your doctor,

your family, and others who need to know. If you are able to communicate, the doctor will generally follow your directions even when those directions are different from your Living Will or Durable Power of Attorney for Health Care.

Why Have an Advance Directive?

You may want to have an advance directive if:

- You want to protect your right to make choices about your medical care that can affect your life.
- You want your doctor or other caregiver to know the kind of medical care you want or don't want if you are too sick to speak for yourself.
- You do not want your family and friends to make decisions about your care because you either do not think they will follow your directions or you do not want to burden them.

In Summary

An Advance Directive allows you to let others know your choices for health care or to name someone to make those choices for you if you are not able to speak for yourself. You can say "yes" to life-prolonging treatment you want, or "no" to life-prolonging treatment you don't want.

Make sure that at least one person, such as your lawyer or a family member, knows that you have an Advance Directive and knows where you keep it. If you have a Durable Power of Attorney for Health Care, give a copy or the original to your agent. Keep a small card in your purse or wallet stating that you have an Advance Directive, where it is, and who your agents are, if you have named agents.

Because you might change your mind about what kind of medical treatment you want as you get older, you should read your Advance Directive at least once a year. If you make any changes, be sure to give copies of the changes to your doctor, agents and others who need to know. Make sure the changes are witnessed.

Where to Get More Information

For more about Advance
Directives in your area contact:

the State Hospital Association.

the State Medical Society.

your local area Agency on Aging.

the office of your State Attorney
General.

For other information about Medicare,
call **1-800-638-6833**. The TTY/TDD
for people with hearing and speech
impairments is **1-800-820-1202**.

