

Should I appoint a healthcare agent?

While it is not required in a healthcare directive, you may choose another person to make healthcare decisions for you in the event that you cannot make decisions for yourself. This person is called a healthcare agent or proxy. Some documents use the term “durable power of attorney for healthcare” to describe this appointment. In North Dakota, the person you choose as your agent must be at least 18 years of age, and the agent must accept the appointment in writing. In North Dakota, there are certain people you cannot appoint as an agent. These include your healthcare provider or long-term care services provider, or a non-relative who is employed by your healthcare provider or long-term care services provider.

The agent has the authority to make the same kind of decisions about healthcare that you could make if you were able. This includes the selection and discharge of healthcare providers and institutions; approval or disapproval of diagnostic tests, surgical procedures, programs of medication and orders not to resuscitate; and directions to provide, withhold or withdraw artificial nutrition and hydration and all other forms of healthcare. You may limit any of these powers or assign additional ones.

Even if you choose a healthcare agent, you can still give healthcare instructions in writing that direct your healthcare agent in making healthcare decisions.

Talk beforehand to any person you wish to appoint as your healthcare agent. Find out if the person is willing to accept the responsibility. Tell them about your wishes and preferences for care. Be sure they are willing and able to follow your wishes.

Will my healthcare directive be honored?

There are several things you can do to help ensure that your directive is understood and honored. Talk to your loved ones and healthcare professionals about your wishes and preferences and give them a copy of your directive. Keep your directive up to date. Remember, having a plan and talking about that plan with the people who are important to you ensures that you will have a say in the decisions about your care.

What should I do with my healthcare directive?

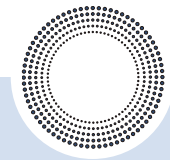
You should keep your original document in a place that is easy to find in the event you should become unable to make or communicate decisions. You should provide a copy of your healthcare directive to your physician and any other healthcare providers such as your hospital, nursing facility, hospice or home health agency. In addition, you may want to give copies of your healthcare directive to other persons, such as close family members and your attorney, if you have one. A copy of a healthcare directive is generally presumed to be a true and accurate copy of the original.

If you or your agent have concerns regarding advance directives, contact the North Dakota Department of Health—Division of Health Facilities at (701) 328-2352.

Sakakawea Medical Center does not discriminate against any individual based on whether the individual has executed an advance directive.

Healthcare Directive

ADVANCE DIRECTIVES



This brochure explains your right to make healthcare decisions and how you can plan now for your medical care if you are unable to speak for yourself in the future.

A federal law requires us to provide our patients with this information. This information is intended to increase your control over your medical care.



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What is a healthcare directive?

North Dakota has an optional legal form called a healthcare directive that you can use to start conversations and clearly set forth your wishes for the healthcare you receive if you become unable to make or communicate your decisions. You can use a healthcare directive to:

- Give instructions about any aspect of your healthcare
- Choose a person to make healthcare decisions for you
- Give instructions about specific medical treatments you do or do not want
- Give other instructions, including where you wish to die and if you wish to make an organ or tissue donation

There are many other healthcare directive forms available that meet legal requirements in North Dakota. You should use a form you're comfortable with and one that best reflects your values and preferences.

What happens if I don't have a healthcare directive?

In North Dakota, if you haven't appointed a healthcare agent and are unable to make or communicate healthcare decisions, state law will determine who may make healthcare decisions for you. The law authorizes persons in the following categories, in the order listed, to make decisions:

- Your spouse
- Your adult children
- Your parents
- Your adult siblings
- Your grandparents
- Your adult grandchildren
- An adult friend or close relative
- Healthcare providers follow, in the absence of other decision-makers (not optimal)

(continued)

No one in a lower category may provide consent for healthcare if someone in a higher category has refused to consent to the proposed healthcare.

Before giving consent, an authorized person must determine that you would have consented to such healthcare if you were able to do so. If the authorized person is unable to make this determination, he or she may only consent to the proposed healthcare if he or she feels the healthcare is in your best interest.

To be legal in North Dakota, a healthcare directive must:

- Be in writing
- Be dated
- State the name of the person to whom it applies
- Be executed by a person with the capacity to understand, make, and communicate decisions
- Be signed by the person to whom it applies or by another person authorized to sign on behalf of the person to whom it applies
- Contain verification of the required signature, either by a notary public or by qualified witnesses
- Include a healthcare instruction or a power of attorney for healthcare, or both.

It is not necessary to have an attorney provide or fill out the form, nor is it necessary to use a pre-printed form at all. Any written statement that meets the requirements stated above can serve as a legal healthcare directive. However, you should contact an attorney if you have legal questions regarding advance care planning.

What if I already have a directive that I signed before the new law?

The new law creating the optional healthcare directive became effective August 1, 2005. If you signed a valid healthcare directive, living will or durable power of attorney before August 1, 2005, that document remains in effect. You may still wish to review the new optional form and consider whether it would provide a better way for you to express your wishes.

When does a healthcare directive become effective?

You may choose to authorize your healthcare agent to make healthcare decisions for you even if you still have the capacity to make those decisions. Under this option, the healthcare directive is effective under any conditions you may impose. You may also revoke this authorization as you would any other healthcare directive.

Can I still make my own healthcare decisions after I have signed a healthcare directive?

Yes. You will be able to make your own healthcare decisions as long as you are capable of doing so. Your agent's authority starts only when your doctor certifies in writing that you do not have the capacity to make healthcare decisions.

It is possible that something you list in your advance directive may be denied if your provider, in good conscience, does not feel he or she can authorize it. Sakakawea Medical Center will assist you to make other arrangements so your wishes can be followed.