



**Advance Directives**  
*Planning for Health  
Care Decisions*

**You have the right: Use Advance  
Directives to State Your Wishes  
About Your Medical Care**

**Health Alliance**<sup>™</sup>

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Many people today worry about the medical care they would get if they became too sick to make their wishes known.

Some people may not want to spend months or years on life support. Others may want every step taken to lengthen life.

## **You have a choice**

A growing number of people are acting to make their wishes known. You can state your medical care wishes in writing while you are healthy and able to choose.

Your health care facility must explain your right to state your wishes about medical care. It also must ask you if you have put your wishes in writing.

This brochure explains your rights under Ohio law to accept or refuse medical care. It will help you choose your own medical care.

This brochure also explains how you can state your wishes about the care you would want if you could not choose for yourself.

This brochure does not contain legal advice, but will help you understand your rights under the law.

For legal advice, you may want to talk to a lawyer. For information about free legal services, call toll free 1-800-589-5888, Monday through Friday, 8:30 a.m. to 5 p.m.

### **What are my rights to choose my medical care?**

You have the right to choose your own medical care. If you don't want a certain type of care, you have the right to tell your doctor you don't want it.

### **What if I'm too sick to decide? What if I can't make my wishes known?**

Most people can make their wishes about their medical care known to their doctors. Some people become too sick to tell their doctors about the type of care they want.

Under Ohio law, you have the right to fill out a form while you're able to act for yourself. The form tells your doctors what you want done if you can't make your wishes known.

### **What kinds of forms are there?**

Under Ohio law, there are two different forms, or Advance Directives, you can use. You can use either a Living Will or a Durable Power of Attorney for medical care.

You fill out an Advance Directive while you're able to act for yourself. The Advance Directive lets your doctor and others know your wishes about medical care.

### **Do I have to fill out an Advance Directive before I get medical care?**

No. No one can make you fill out an Advance Directive. You decide if you want to fill one out.

### **Who can fill out an Advance Directive?**

Anyone 18 years old or older who is of sound mind and can make his or her own decisions can fill one out.

### **Do I need a lawyer?**

No, you don't need a lawyer to fill out an Advance Directive. You may decide you want to talk with a lawyer.

### **Do the people giving me medical care have to follow my wishes?**

Yes, if your wishes follow state law. However, Ohio law includes a conscience clause. A person giving you medical care may not be able to follow your wishes because they go against his or her conscience. If so, they will help you find someone else who will follow your wishes.

## Living Will

This form allows you to put your wishes about your medical care in writing. You can choose what you would want if you were too sick to make your wishes known. You can state when you would or would not want food and water supplied artificially (see section Other Matters To Think About on page 10).

### How does a Living Will work?

A Living Will states how much you want to use life-support methods to lengthen your life. It takes effect only when you are:

- in a coma that is not expected to end, **OR**
- beyond medical help with no hope of getting better and can't make your wishes known, **OR**
- expected to die and can't make your wishes known.

The people giving you medical care must do what you say in your Living Will. A Living Will gives them the right to follow your wishes.

Only you can change or cancel your Living Will. You can do so at any time.

## **Do Not Resuscitate Order**

State regulations offer a Do Not Resuscitate (DNR) Comfort Care and Comfort Care Arrest Protocol as developed by the Ohio Department of Health. A **DNR Order** means a directive issued by a physician or, under certain circumstances, a certified nurse practitioner or clinical nurse specialist, for CPR will not be administered to the person so identified by that order. **CPR** means cardiopulmonary resuscitation or a component of cardiopulmonary resuscitation, but it does not include clearing a person's airway for a purpose other than as a component of CPR.

The DNR Comfort Care and Comfort Care Arrest Protocol lists the specific circumstances and actions that paramedics, emergency medical technicians, physicians or nurses will take when attending to a DNR Comfort Care or Comfort Care Arrest patient. The protocol also lists what specific actions will not be implemented.

You should talk to your doctor about the DNR Comfort Care and Comfort Care Arrest Order and Protocol options.

## **Durable Power of Attorney**

A Durable Power of Attorney for medical care is different from other types of powers of attorney. This brochure talks only about a Durable Power of Attorney for medical care, not about other types of powers of attorney.

A Durable Power of Attorney for medical care allows you to choose someone to carry out your wishes for your medical care. The person acts for you if you can't act for yourself. This could be for a short or a long while.

### **Who should I choose?**

You can choose any adult relative or friend you trust to act for you when you can't act for yourself. Be sure you talk with the person about what you want. Then write down what you do or don't want on your form. You should also talk to your doctor about what you want. The person you choose must follow your wishes.

### **When does my Durable Power of Attorney for medical care take effect?**

The form takes effect only when you can't choose your care for yourself, whether for a short or long while.

The form only allows your relative or friend to stop life support:

- if you are in a coma that is not expected to end, **OR**
- if you are expected to die.

## **Advance Directives**

What is the difference between a Durable Power of Attorney for medical care and a Living Will?

Your Living Will explains, in writing, the type of medical care you would want if you couldn't make your wishes known.

Your Durable Power of Attorney lets you choose someone to carry out your wishes for medical care when you can't act for yourself.

### **If I have a Durable Power of Attorney for medical care, do I need a Living Will, too?**

You may want both. Each addresses different parts of your medical care.

A Living Will makes your wishes known directly to your doctors, but only states your wishes about the use of life-support methods.

A Durable Power of Attorney for medical care allows a person you choose to carry out your wishes for all of your medical care when you can't act for yourself.

A Durable Power of Attorney for medical care does not overrule a Living Will.

## **Can I change my Advance Directive?**

Yes, you can change your Advance Directive whenever you want.

If you already have an Advance Directive, make sure it follows Ohio's law (effective October 10, 1991). You may want to contact a lawyer for help.

It is a good idea to look over your Advance Directives from time to time. Make sure they still say what you want and that they cover all areas.

## **If I don't have an Advance Directive, who chooses my medical care when I can't?**

Ohio law allows your next-of-kin to choose your medical care if you are expected to die and can't act for yourself.

If you are in a coma that is not expected to end, your next-of-kin could decide to stop or not use life support after 12 months. Your next-of-kin may be able to decide to stop or not use artificially-supplied food and water.

## Other Matters To Think About

What about stopping or not using artificially-supplied food and water?

Artificially-supplied food and water means you are fed and get your water by way of tubes placed inside you. Whether you can decide to stop or not use these depends on your state of health.

- **If** you are expected to die and can't make your wishes known,  
**And** your Living Will simply states you don't want life-support methods used to lengthen your life,  
**Then** artificially-supplied food and water can be stopped or not used.
- **If** you are expected to die and can't make your wishes known,  
**And** you don't have a Living Will,  
**Then** Ohio law allows your next-of-kin to stop or not use artificially-supplied food and water.
- **If** you are in a coma that is not expected to end,  
**And** your Living Will states you don't want artificially-supplied food and water,  
**Then** artificially-supplied food and water may be stopped or not used.
- **If** you are in a coma that is not expected to end,  
**And** you don't have a Living Will,  
**Then** Ohio law allows your next-of-kin to stop or not use artificially-supplied food and water. However, he or she must wait 12 months and get approval from a probate court.

## **By filling out an Advance Directive, am I taking part in euthanasia or assisted suicide?**

No, Ohio law doesn't allow euthanasia or assisted suicide.

## **Where do I get Advance Directive forms?**

Many of the people and places that give you medical care have Advance Directive forms. Ask the person who gave you this brochure for an Advance Directive form, either a Living Will or a Durable Power of Attorney for medical care. A lawyer could also help you.

## **What do I do with my forms after filling them out?**

You should give copies to your doctor and health care facility to put into your medical record. Give one to a trusted family member or friend. If you have chosen someone in a Durable Power of Attorney for medical care, give that person a copy.

Put a copy with your personal papers. You may want to give one to your lawyer or clergy person.

Be sure to tell your family or friends, persons close to you, about what you have done. Don't just put these forms away and forget about them.

Ohio law require that Living Wills created after Dec. 15, 2004, must include a person's preferences about organ and tissue donation. Living Wills completed before Dec. 16, 2004, that do not include the organ and tissue donation section (Anatomical Gifts) are still valid and will be honored in Ohio. If you have previously completed an Approved Donor Registry Enrollment Form or made the affirmation when renewing your driver's license or state identification card, then you have given consent for your organs, tissue and or eyes, if usable, to be removed upon your death. If you wish to refine or change your donation consent, you must complete the Donor Registry Enrollment Form that is attached to the Ohio Living Will form and return it to the Ohio Bureau of Motor Vehicles, ATTN: Record Clearance Unit, PO Box 16784, Columbus, OH 43216-6784. Through the enrollment form, you can specify the organs or tissues you wish to donate, and the specific purposes for which they can be used.

The staff at the Health Alliance realizes that Advance Directives and related issues are sometimes confusing as well as emotional. If you need more assistance, please call:

**The Christ Hospital**

**Pastoral Services**

513-585-2265

**The University Hospital**

**Patient Relations Department**

513-584-6201

**The Jewish Hospital**

**Social Work**

513-686-5341

**The Ft. Hamilton Hospital**

**Social Work and Pastoral Care**

513-867-2584

**Alliance Senior Care Preferred**

513-585-6462

**This brochure is endorsed by the following organizations:**

- Association of Ohio Philanthropic Homes and Housing for the Aging
- Office of the Attorney General, State of Ohio
- Ohio Academy of Nursing Homes
- Ohio Council for Home Care
- Ohio Department of Aging
- Ohio Department of Health
- Ohio Department of Human Services
- Ohio Health Care Association
- Ohio Hospice Organization
- Ohio Hospital Association
- Ohio State Bar Association
- Ohio State Medical Association

**Bob Taft, Governor**

State of Ohio

**Jacqueline Romer-Sensky, Director**

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