

LIVING WILLS

Your Care. Your Plan.



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YOUR RIGHTS REGARDING MEDICAL CARE.

You have the right to participate in developing and implementing your plan of care and to make informed decisions regarding your care and treatment in the event you're hospitalized. This includes the right to be notified about the status of your health, the right to receive or refuse treatment and the right to implement an advance directive.

WHAT IS AN ADVANCE DIRECTIVE?

An advance directive is a document that tells your healthcare providers and family what kind of medical care you do and do not want in the event you are unable to make your own medical decisions.

Family members are often placed in the uncomfortable position of making decisions regarding medical care for a loved one who has had a serious accident or has a terminal illness and is unable to communicate. These decisions can be very stressful for families to make and sometimes cause disagreements between family members to the point where a judge is needed to step in and appoint someone to make decisions on the loved one's behalf.

By having an advance directive, you will be able to make your preferences regarding medical care known to your healthcare providers, family and friends in the event you are incapacitated. It's important to note that you will still receive care in the hospital even if you have an advance directive. An advance directive only goes into effect when you are in the hospital and incapable of making your own medical decisions.

TYPES OF ADVANCE DIRECTIVES.

In Louisiana, advance directives are also called “Declarations,” and you must be at least 18 years old to implement one. There are three types of Declarations, and it’s your decision how many of these documents are executed. They only go into effect when you are in the hospital with a terminal or irreversible condition – like a coma – which renders you incapable of making or communicating your own medical decisions.

Living Will

A living will is a document that allows you to describe the types of life-sustaining treatment or procedures that you do or do not want in the event that you have a terminal or irreversible condition and cannot communicate your own medical decisions. Your living will can be as specific as you want it, however it does not allow you to appoint a particular person to make your medical decisions for you. For that, you’ll need a Durable Power Of Attorney (see below). Once completed with the appropriate signatures, your living will can be placed in your medical record and used by your doctor as a guide to write orders related to your care.

LaPOST (Louisiana Physician Order for Scope of Treatment)

This is the newest type of advance directive and was approved by the

Louisiana Legislature in 2010. This document is written in the format of a physician’s order and allows you to document your wishes concerning specific types of life-sustaining care.

LaPOST is recommended for individuals who have terminal or irreversible conditions and do not expect to live for more than one year. Once it is completed, including appropriate signatures, it can be placed on your medical record in any healthcare setting and used as a physician order.

Durable Power Of Attorney

A durable power of attorney allows you to appoint someone you trust to make medical and end-of-life decisions on your behalf in the event that you have a terminal or irreversible condition and cannot communicate your own medical decisions. By using the word “durable,” the person you appoint is given authority to make decisions even if you become incompetent.

It is important that your durable power of attorney expressly indicate that you are giving consent for this person to make both medical AND end-of-life decisions on your behalf if that is your intent. The person you appoint should be someone you trust to make serious decisions such as a close friend, relative or clergy member.



LIVING
WILLS



DO NOT RESUSCITATE ORDERS.

In the event that it is determined by your physician and one other physician that you have a terminal or an irreversible condition, you have the option of enacting a “do not resuscitate” order even if you do not already have an advance directive. This order tells your healthcare providers that in the event your heart stops beating or you stop breathing, you do not want cardiopulmonary resuscitation (CPR) performed in an effort to revive you.

A “do not resuscitate” order, or DNR, is not mandatory to enact if you are determined to have a terminal or irreversible condition. However, if you DO NOT wish to receive CPR in the event that you are found unresponsive, you must let your healthcare providers know your wishes so that an order can be placed in your medical record.

WHICH TYPE OF ADVANCE DIRECTIVE SHOULD I HAVE?

It is recommended that you have both a living will and a durable power of attorney. Although living wills can be as detailed as you wish, you will not be able to foresee every situation that may arise. With that in mind, it would be a good idea to also appoint someone to make those decisions for you which may not be addressed in your living will by implementing a durable power of attorney. The LaPOST is recommended if you are seriously ill and do not expect to live more than one year.

LIVING
WILLS

HOW DO I FORMULATE AN ADVANCE DIRECTIVE?

The state of Louisiana has a form that can be filled out and used as your living will and durable power of attorney. It is called the State of Louisiana Declaration.

- The Declaration can be filled out by you and signed by at least two witnesses who know you personally and can attest that you were in a sound state of mind when you made the Declaration.
- The witnesses must be at least 18 years old, cannot be related to you by blood or marriage and cannot be entitled to any portion of your estate if you die.
- It is not mandatory that the Declaration be notarized.
- It is not mandatory that you involve an attorney to develop your Declaration. That said, an attorney may be able to assist you in making your intentions clear.

The state of Louisiana also has a form that can be filled out if you feel the LaPOST is more appropriate for your needs.

- The form should be filled out by you or your legal representative in conjunction with your doctor.
- This form must also be signed by you or your legal representative AND your doctor.

A healthcare provider should be able to assist you with obtaining the appropriate forms for the State of Louisiana Declaration and LaPOST. You can also call your local AARP or access them at the following web-sites:



LIVING WILLS

U.S. Living Wills Registry

www.uslivingwillsregistry.com/individuals.shtm

- Choose “Advanced Directives Forms” on the top toolbar.
- Choose “The Forms.”
- Choose the appropriate state.

Office of the Secretary of State

www.sos.louisiana.gov/tabid/215/Default.aspx

- Choose “Living Will” on the left sidebar.

LaPOST

www.La-POST.org

- More information and the document are available for download.
- It is recommended the form be printed on gold paper so that it is easily identifiable in the medical record.



REGISTERING YOUR DECLARATION.

In Louisiana, you have the option of registering your Declaration or LaPOST with the Secretary of State for a small fee. However, this is not mandatory and your Declaration or LaPOST will still be effective if you do not complete this process.

To register your Declaration or LaPOST, you may send a certified copy or the original to:

Office of the Secretary of State
P.O. Box 49125
Baton Rouge, LA 70804-9125
Attention: Publications

For more information on registering your Declaration, including the current registration fee, please contact the Office of the Secretary of State at 225-922-0309.

WHO DO I NEED TO TELL ABOUT MY ADVANCE DIRECTIVES?

It is important for you to talk with your doctor, family, friends and clergy about your advanced directives in order to make sure that everyone is aware of your intentions and that they are understood. You should also make several copies of your Declaration or LaPOST so that you can easily provide them to your healthcare provider at the hospital.

WHAT IF I CHANGE MY MIND?

You have the right to change your mind regarding your advance directive at any time. You can revoke or change your Declaration or LaPOST by simply expressing your intention in writing, destroying the document or verbally voicing your desire to revoke the Declaration. However, if you intend to change the document, you should rewrite the entire Declaration or LaPOST and once again have it signed and witnessed.

If you registered your Declaration or LaPOST with the Office of Secretary of State for Louisiana, it can still be revoked if you so choose. It will be necessary to send in a revocation request in writing.





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