

TENNESSEE ADVANCE DIRECTIVES

INDIVIDUAL INSTRUCTIONS AND ADVANCE DIRECTIVES

An Individual Instruction is an individual's direction concerning a health care decision for the individual. An adult or emancipated minor may give an individual instruction, orally or in writing. The instruction may be limited to take effect only if a specified condition arises.

An advance directive is a written statement relating to the subsequent provision of health care for the individual, include but not limited to, an Advance Care Plan, living will, or a durable power of attorney for health care (Appointment of Health Care Agency). An adult or emancipated minor may execute a written advance directive for health care. You can designate in writing an agent to make any health care decision you could have made while having capacity (your ability to understand the significant benefits, risks and alternatives to proposed health care and to make and communicate a health care decision), or you can also limit the power of your agent. Your agent should be someone you trust to carry out your wishes and who will consider your known personal values. An advance directive may also include who you would want as your court-appointed guardian or conservator. The guardian or conservator may be given authority over your agency only by a court order.

Your advance directive must be in writing, signed by you, and notarized or witnessed by two (2) witnesses. Both witnesses must be competent adults, and neither of them may be your agent. At least one (1) of the witnesses must be a person who is not related to you by blood, marriage or adoption and would not be entitled to any part of your estate when you die.

If you have a valid living will, durable power of attorney for health care, or other instrument that was signed before July 1, 2004, it is still effective and will be interpreted according to previous law. If you executed an advance directive when you lived in a state other than Tennessee, it is still effective if it complies with Tennessee laws or the state of your residence.

If you have capacity, you may: 1) revoke (cancel) the designation of an agent in writing or by personally telling your supervising health care provider; and 2) revoke all or part of an advance directive (except agent designation) at any time and in any manner that communicates your intent to revoke. You should give a copy of your Advance Directive to your doctor, family or friends, and health care providers. Keep the originals with other important papers in a safe place that is easy to find. A copy of a written advance directive, revocation of an advance directive, or designation or disqualification of a surrogate has the same effect as the original. Please let us know if you execute or change any of these documents during the course of your care.

You can appoint a Surrogate to make health care decisions for you if you have not appointed an agent or do not have court-appointed guardian or conservator with health care decision-making authority. Your surrogate can make all health care decisions for you that you could make for yourself, except for the withholding or withdrawing of artificial nutrition and hydration. Your surrogate must be a willing, reasonably available adult who is familiar with your personal values and someone that has shown special care and concern for you. Tell your supervising health care provider the name of your surrogate (and provide their name in writing) so your surrogate's name can be recorded in your clinical record. We may require that your surrogate, guardian and/or conservator provide written proof of their claimed authority.

If your designated physician has determined that you lack capacity and you have not appointed an agent or surrogate and/or you do not have a court-appointed guardian or conservator, your health care provider can name a surrogate. Consideration for surrogate may be given to (order of descending preference): 1) your spouse, unless legally separated; 2) your adult child; 3) your parent; 4) your adult sibling; 5) any other of your adult relatives; or 6) any other adult who has exhibited special care and concern for you, who is familiar with your personal values, who is reasonably available and who is willing to serve.

A person who is the subject of a protective order or other court order that directs that person to avoid contact with you is not eligible to serve as your surrogate. In order to decide who would be the best person to serve as your surrogate, your health care provider will consider if the proposed surrogate reasonably appears to be better able to make decisions either in accordance with your known wishes or your best interests; if they had regular contact with you prior to and during the

incapacitation illness and have shown care and concern for you. Are they available to visit you during your illness and available to meet face-to-face with health care providers and full participate in the decision-making process?

Your treating health care provider and its employees and an operator of a health care facility and its employees (if the health care provider becomes your treating health care provider), can't be your surrogate. However, an employee of the treating health care provider or health care facility may be designated as a surrogate if they are related to you by blood, marriage, or adoption and meet the other surrogate requirements.

Unless otherwise specified in an advance directive, a person than authorized to make health care decisions for you has the same rights as you do to request, receive, examine, copy, and consent to the disclosure of medical or any other health care information.

Your designated physician may make health care decisions for you if and only if, 1) you have been determined by your designated physician to lack capacity; and 2) either no agent, guardian or conservator has been appointed; 3) or your agent, guardian or conservator is not reasonably available; or 4) none of the individuals eligible to act as a surrogate are reasonably available; and 5) your designated physician has either: (i) consulted with and obtained the recommendations of a facility's ethics mechanism; or (ii) obtained concurrence from a second physician who is not directly involved in your health care, does not service in a capacity of decision-making, influence, or responsibility over the designated physician, and is not under the designated physician's decision making, influence or responsibility.

DO NOT RESUSCITATE ORDERS

A Universal Do Not Resuscitate (DNR) Order (e.g., POST Form) is a written order that applies regardless of the treatment setting. It is signed by your physician and states that in the event you suffer a cardiac or respiratory arrest, cardiopulmonary resuscitation (CPR) should not be attempted. A universal DNR order can only be made with your consent or at the request and consent of the person authorized to act on your behalf under the Tennessee Health Care Decisions Act, if you are a minor or lack capacity or make informed decision. Your Universal DNR order can move with you between health care settings. Qualified emergency medical services (EMS) personnel, and licensed health care practitioners in any facility, program or organization perpetrated or licensed by the board for licensing health care facilities or by the department of mental health and developmental disabilities or operated, licenses, or owned by another state agency are authorized to follow your Universal DNR orders. Universal DNR orders are considered valid and in effect until you, or the person authorized to consent on your behalf (if you are a minor or lack decision making capacity) revoke the order.

Your physician may also write a DNR order other than Universal DNR order. The order may contain limiting language to allow and exclude only certain types of CPR. If you have a valid DNR order or EMS DNR orders issued before July 1, 2004, it remains in effect.

DNR orders are documented in your medical record and routinely reviewed. Unless you have a valid Universal DNR order or your physician has written a specific DNR order, it is our policy that every patient will receive CPR.

We may not be able to comply with your individual instruction or health care decision

1) for reasons of conscience; or 2) if the instruction or decision is against a policy based on reason of conscience, and 3) you, your agent or surrogate were informed of our policy in a timely manner. We will make all reasonable efforts to assist in your transfer to another health care provider of facility that is willing to comply with the instruction or decision. We will continue to care for you until we can transfer you. However, if we are unable to transfer you to another willing health care provider or facility, we do not have to comply with your individual instruction or health care decision.