

What can I put in a healthcare directive?

You have many choices of what to put in your healthcare directive. For example, you may include:

- the person you trust as your agent to make healthcare decisions for you. You can name alternate agents in case the first agent is unavailable, or joint agents.
- your goals, values, and preferences about healthcare.
- the types of medical treatment you would want (or not want).
- how you want your agent or agents to decide.
- where you want to receive care.
- instructions about artificial nutrition and hydration.
- mental health treatments that use electroshock therapy or neuroleptic medications.
- instructions if you are pregnant.
- donation of organs, tissues, and eyes.
- funeral arrangements.
- who you would like as your guardian or conservator if there is a court action.

You may be as specific or as general as you wish. You can choose which issues or treatments to deal with in your healthcare directive.

Are there any limits to what I can put in my healthcare directive?

There are some limits about what you can put in your healthcare directive. For instance:

- your agent must be at least 18 years of age.
- your agent cannot be your healthcare provider, unless the healthcare provider is a family member or you give reasons for the naming of the agent in your directive.
- you cannot request healthcare treatment that is outside of reasonable medical practice.
- you cannot request assisted suicide.

Why have a healthcare directive?

A healthcare directive is important if your attending healthcare provider determines you can't communicate your healthcare choices (because of physical or mental incapacity). It is also important if you wish to have someone else make your healthcare decisions. In some circumstances, your directive may state that you want someone other than an attending healthcare provider to decide when you cannot make your own decisions.

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

You don't have to have a healthcare directive. But, writing one helps to make sure your wishes are followed.

You will still receive medical treatment if you don't have a written directive. Healthcare providers will listen to what people close to you say about your treatment preferences, but the best way to be sure your wishes are followed is to have a healthcare directive.

How do I make a healthcare directive?

There are forms for healthcare directives. You don't have to use a form, but your healthcare directive must meet the following requirements to be legal:

- be in writing and dated.
- state your name.
- be signed by you or someone you authorize to sign for you, when you can understand and communicate your healthcare wishes.
- have your signature verified by a notary public or two witnesses.
- include the appointment of an agent to make healthcare decisions for you and/or instructions about the healthcare choices you wish to make.

Before you prepare or revise your directive, you should discuss your healthcare wishes with your doctor or other healthcare provider. You can get healthcare directives from your healthcare provider, attorney, or the Minnesota Board on Aging (800.333.2433).

What if my healthcare provider refuses to follow my healthcare directive?

Your healthcare provider must follow your healthcare directive, or any instructions from your agent, as long as the healthcare follows reasonable medical practice. But, you or your agent cannot request treatment that will not help you or which the provider cannot provide. If the provider cannot follow your agent's directions about life-sustaining treatment, the provider must inform the agent. The provider must also document the notice in your medical record. The provider must allow the agent to arrange to transfer you to another provider who will follow the agent's directions.

What should I do with my healthcare directive after I have signed it?

You should inform others of your healthcare directive and give people copies of it. You may wish to inform family members, your healthcare agent or agents, and your healthcare providers that you have a healthcare directive. You should give them a copy. It's a good idea to review and update your directive as your needs change. Keep it in a safe place where it is easily found.

What if I've already prepared a healthcare document? Is it still good?

Before August 1, 1998, Minnesota law provided for several other types of directives, including living wills, durable healthcare powers of attorney, and mental health declarations.

The law changed so people can use one form for all their healthcare instructions.

Forms created before August 1, 1998, are still legal if they followed the law in effect when written. They are also legal if they meet the requirements of the new law (described above). You may want to review any existing documents to make sure they say what you want and meet all requirements.

I prepared my directive in another state. Is it still good?

Healthcare directives prepared in other states are legal if they meet the requirements of the other state's laws or the Minnesota requirements. But requests for assisted suicide will not be followed.

Your healthcare provider will give you information and advice about treatment. You choose the best options for you. You can say “yes” to treatments you want. You can say “no” to any treatments you don’t want – even if the treatment might keep you alive longer. Whatever you choose, you will continue to get the highest quality of care that we can provide you.

Before you decide to get any treatment, you must be given the following:

- A description of the treatment
- The benefits and risks you are likely to have
- A description of alternative treatments and their risks and benefits
- The likely results of going without treatment
- How likely the treatment will succeed
- Major problems you might have with the treatment and recovery

Choosing the care that is right for you

Your healthcare provider will tell you what different treatments can do for you. Many treatments have side effects, and your healthcare provider must tell you about serious side effects or problems the treatment is likely to cause you.

Often, there is more than one treatment that might help you. Each person may have a different idea of what is best. Your healthcare provider cannot tell you which treatment you want – or even if you want any treatment at all. That decision belongs to you, and it depends on your values. Sometimes people have to choose between things like being independent, being free of pain, living as long as possible, or being able to recognize and speak with family and friends.

If you can’t decide about healthcare because you are ill or hurt, others will have to choose for you. But you have the right to plan ahead. If you do, your healthcare provider and others will know what you would have wanted. In Minnesota, you can do that by executing a healthcare directive or establishing a conservator or guardian.

What is a Healthcare Directive?

A healthcare directive is a written document you give in advance about the kinds of healthcare you would or would not want, and allows you to name a person (“agent”) to decide for you if you are unable to decide. It also allows you to name an agent if you want someone else to decide for you. You must be at least 18 years old to make a healthcare directive. Your healthcare provider will use these directions if you can’t decide for yourself. If you do not have a healthcare directive, and can’t make your own healthcare choices, your healthcare provider will probably talk to your family about what treatment is best for you. If there is disagreement, someone may seek appointment of a guardian or conservator. If this happens, you have no control over who will be named, and you can’t be sure your wishes will be followed.

Guardians and Conservators

A guardian is a person named by a court to decide for you when you can’t decide for yourself. A conservator is like a guardian but has more limited powers to make decisions. A court will name a guardian or conservator only if someone starts a court action to do so. Your family or others may start the court action so that your healthcare provider will know who can make treatment decisions.

How long does a healthcare directive last? Can I change it?

Your healthcare directive lasts until you change or cancel it. As long as the changes meet the healthcare directive requirements listed above, you may cancel your directive by any of the following:

- a written statement saying you want to cancel it.
- destroying it.
- telling at least two other people you want to cancel it.
- writing a new healthcare directive.

Questions?

If you have other questions about your own unique situation, your options, or healthcare directives that aren’t answered in this brochure, contact your healthcare provider, another healthcare provider, attorney, another qualified advisor, or the Office of the Ombudsman for Older Minnesotans (800.657.3591 or 651.431.2555).

If you have questions, you can also contact OMC’s Social Services department at 507.529.6806. The Social Services department is located at the Olmsted Medical Center – Hospital, 1650 Fourth Street SE, Rochester, Minnesota 55904.

Information Sheet – Healthcare Directives Brochure –
Translated Versions
1021705 – English 1090505 – Spanish

HEALTHCARE DIRECTIVES:

QUESTIONS AND ANSWERS ABOUT MINNESOTA LAW

Minnesota law allows you to inform others of your healthcare wishes. You have the right to state your wishes or appoint an agent in writing so that others will know what you want if you can’t tell them because of illness or injury. The information that follows tells about healthcare directives and how to prepare them in this pamphlet. It does not give every detail of the law.

In accordance with Minnesota law and the Adult Healthcare Decisions Act, Olmsted Medical Center will comply with a patient’s advance directive to the fullest extent possible, consistent with reasonable medical practice and other applicable laws. Olmsted Medical Center does not condition the providing of care or otherwise discriminate on the basis of whether or not an advance directive has been completed. If a healthcare provider is unwilling to comply with the advance directive, they will notify that person and document such in the person’s medical record. If an individual is concerned with a healthcare provider’s noncompliance with advance directive requirements, complaints may be made to the Office of Health Facility Complaints at 651.215.8713 or 800.369.7994.

Additional information regarding healthcare directives, as well as the Minnesota Healthcare Declaration form, is available at the admissions desk of the Olmsted Medical Center – Hospital and at the registration desk of each OMC clinic location.

