Objectives

Upon completion of the session the participants will:

- Be aware of state and federal regulations regarding ACP
- Identify potential negative outcomes
Regulatory Summary

Advance Directives/Advance Care Planning. Regulatory and Statutory Requirements Summary.

- Provide and document Advance Directives information given to advance of providing care.
- A patient’s advance directive includes the directions for the person’s health care in the event that he or she is unable to communicate.
- If patient is incapacitated and unable to communicate, directions for health care are an indication of what is desired.
- Other medications must be placed to provide information to the patient to ensure their comprehension.
- Alerts or procedure must be placed to provide information to the patient to ensure their comprehension.
- Alerts or procedure must be placed to provide information to the patient to ensure their comprehension.
- The patient’s information is regarded as the legal authority.
- If patient is incapacitated and the patient refuses to communicate, it may be communicated by the patient’s family or other designated person.
- Professional disclosure is required.
- The patient’s information is regarded as the legal authority.
- The patient’s information is regarded as the legal authority.

Questions and Answers About Health Care Directives.

Minnesota Department of Health

- Minnesota Law allows you to inform others of your health care wishes. You have the right to state your wishes or request assistance in writing so that others will know what you want done or not done because of illness or injury. The information that follows tells about health care directives and how to prepare them. It does not give every detail of the law.

What is a Health Care Directive?

A health care directive (HCD) is a written document that directs your wishes about your health care. It includes the instructions that you want or do not want. It also allows you to name an agent who can make decisions for you if you are unable to do so. You must be at least 18 years old to make a health care directive.

What health care decisions do I have to make in my directive?

You have the right to make health care decisions. You may set goals for your care that you may give instructions about what you want for your health care. Your directive may limit the treatment that you receive. Your directive may include other instructions about your health care.

What is a Health Care Directive?

It is a written document that directs your wishes about your health care. A health care directive is a legal document that provides instructions for your health care. A health care directive is a legal document that provides instructions for your health care.

How do I make a Health Care Directive?

To make a health care directive, you must follow the following requirements:

- The directive must be written and dated.
- The directives must be signed by you or your authorized representative.
- The directives must be witnessed by a person who knows you well.
- The directives must be witnessed by a person who knows you well.
- The directives must be witnessed by a person who knows you well.
- The directives must be witnessed by a person who knows you well.

What is the purpose of a Health Care Directive?

The purpose of a Health Care Directive is to provide instructions for your health care. The purpose of a Health Care Directive is to provide instructions for your health care. The purpose of a Health Care Directive is to provide instructions for your health care. The purpose of a Health Care Directive is to provide instructions for your health care.
Skilled Nursing Survey Deficiencies

**F152**: The facility should verify that a surrogate or representative has the necessary authority

**F-155**: Need to provide written policies and procedures on Advance Directives and provide option to formulate an Advance Directive

**F-309**: Each resident must receive and the facility must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, in accordance with the comprehensive assessment and plan of care

**F 314**: If a resident has a valid Advance Directive, the facility’s care must reflect a resident’s wishes as expressed in the Directive, in accordance with State law

**F 325**: The facility’s care reflects a resident’s choices

**F 329**: Whether or not a resident has a directive, the facility is responsible for giving treatment, support, and other care that is consistent with the resident’s condition and applicable care instructions.

Assist Living Comprehensive Survey

**144A.4191** must include names and contact information of persons the client wishes to have notified in an emergency or if there is a significant adverse change in the clients condition, who has the authority to sign for the client in an emergency, when EMS are not to be summoned

**144A.4194** needs to include the name address and telephone number of an emergency contact, clients advance directives if any and documentation of significant changes in the clients status and actions taken in response to the needs of the client.
Court cases - Clinicians May Not Administer LSMT without Consent

- Doctors Hospital of Augusta v. Allena (Ga App, 2016)
- Doctors Hospital v. Allena (Ga App, 2015)
- Finkle v. Jackson Manor (June 2014)
- Halabi v. Lakeview Regional Med. Ctr. (Fla. Ct. Cl. App., 2013) (Complaint)
- NFY v. Midwest (ID, Corp., 2012)
- DeAtorney v. Permanente Medical (CO, SC, Nov. 2011) (complaint)
- NFY v. Midwest (ID, Corp., 2011) (Complaint)
- Jones v. Boston Hospital (M., App., 2011)
- DIPentimento v. Fuchs (NY, Sup., 2011)
- Jahnson v. University Hospital of Wyom. (WI, App., 2010)
- Corson v. Jamaica Hospital (NY, Sup., 2009)
- Bucklin v. Montefiore (Fla. App., 2008)
- Terry v. Red River Corp. (LA, App., 2006)
- Fesley v. United Hospital (M, App., 2006)
- Manders v. Echelon (Cal., App., 2006)
- Fulk v. Catholic Health East Corp. (Ga, App., 2004)
- HCA v. Miller (Ky., App., 2003)
- O/apps v. California (Fla., App., 1998)
- Caido v. Michael's Regional Medical Center (Complaint, Corp., 1994)
- Starchen v. JPH Hosp. (NM, 1999)
- Foster v. Tooles (Id., Corp., 1982)

Potential Negative Outcomes

- Patient-safety Actual harm to patients
- Patient wishes are not honored CPR/treatments either done or not done
- Dissatisfied consumers
- Poor patient satisfaction scores
- Negative press
- Dissatisfied staff- caregiver fatigue/distress/ethical dilemmas
- What if this was you or your family member
Wrap Up

- Joint Commission, CMS and MDH are all asking questions on Advance Care Planning
- What if this was you or your family member that wishes were not honored
- It’s Everyone’s Responsibility
- Increases Patient Satisfaction
- It can save time
- Need to get documents in systems timely
- It’s just GREAT PATIENT CARE

Burning Questions???
Contact information

Honoringchoices@fairview.org