

# About Advance Directives

A Relief for You...

A Gift for Your Loved Ones.

## Advance Directives

Every adult has the right to direct his/her own medical care. Advance directives help ensure this right if you become unable to make health care decisions. That is why Cleveland Clinic recommends that every person 18 years of age and over have an advance directive in your electronic medical record and have conversations with your decision-maker and your loved ones.

Advance directives are legal documents that provide written instructions about who should make medical decisions for you and what your end-of-life wishes are, if you are unable to speak for yourself. Under Florida law, three types of advance directives are: a Designation of Health Care Surrogate, a Durable Power of Attorney for Health Care, and a Living Will. These documents allow you to plan ahead by sharing your health care instructions with your medical team and your loved ones.

## Plan Ahead: Document your personal health care decisions

Cleveland Clinic is committed to providing high quality health care. Along with expert medical care, we strive to provide you with a superior patient experience that starts with respecting your preferences.

We believe that it is our responsibility to inform you about your right to make personal health care decisions. It will help you make educated choices so you can have a positive patient experience. When you plan ahead by completing advance directives, you can feel confident knowing that you are in control of your future health care decisions.

Advance directives are especially important if:

- Your caregiver or health care representative is not your legal next of kin;
- You have multiple next of kin; OR
- You have specific medical wishes due to a medical condition, religious affiliation or family situation.

The Designation of Health Care Surrogate form also allows you to identify an alternate surrogate, in case your primary health care surrogate cannot be reached.

Without a valid Designation of Health Care Surrogate or Durable Power of Attorney for Health Care document, Florida law recognizes an “order of priority” for appointing a proxy decision maker if you are unable to make health care decisions for yourself.

- (1) Court appointed guardian (if one exists),
- (2) Patient’s spouse,
- (3) Majority of adult children reasonably available for consultation,
- (4) A parent of the patient,
- (5) Majority of adult siblings (brothers or sisters) reasonably available for consultation,
- (6) Other nearest adult relative who has shown special care and concern for the patient, and who has kept regular contact with the patient, and who is familiar with the patient’s activities, health and religious or moral beliefs,
- (7) A close personal friend of the patient as defined in 765.101(3) Florida Statutes,
- (8) Finally, a clinical social worker, as outlined in Florida Statute 765.401.

## Your rights and choices

You have the right to choose your own medical care based on your values, beliefs and personal choices.

You have the right to complete advance directive documents, at no charge, as long as you understand your options and can communicate your wishes.

You have the right to NOT complete advance directive documents. Advance directives are always optional.

## Completing advance directive forms

You do not need a lawyer to complete a Designation of Health Care Surrogate or Living Will document. In order to be valid, the forms need to be signed by two witnesses. The witnesses must be adults and cannot be an individual named as a surrogate on the document. At least one of the witnesses must not be related by blood or be the patient’s spouse.

## Types of Advance Directives

Document	Definition	When it's used
Designation of Health Care Surrogate	<p>A legal document for you to identify who you trust to receive information and make health care decisions for you.</p> <p>This person is called your “health care surrogate.”</p>	<p>Your health care surrogate’s authority allows them to participate in health care decision-making on your behalf when you are unable to participate in decision-making and communicate decisions on your own.</p> <p>The authority of your health care surrogate can begin immediately without waiting for a physician’s determination of your inability to make your own health care decisions if you have specifically made that selection on the health care surrogate designation form.</p>
Durable Power of Attorney for Health Care	<p>A legal document designating an attorney-in-fact to make health care decisions for you. The document requires a notary in addition to the signature of two witnesses.</p> <p>A Durable Power of Attorney for Health Care is not the same as a Financial Power of Attorney.</p>	<p>Unless otherwise noted in the document, the Durable Power of Attorney for Health Care takes effect when you are unable to make your own health care decisions. (For example: under general anesthesia, under sedation, unconscious, in coma, etc.)</p>
Living Will	<p>A legal document used to convey your end-of-life wishes that life-prolonging procedures, potentially including artificially or technologically supplied nutrition and/or hydration, be withheld or withdrawn in order for you to “allow a natural death.”</p> <p>A Living Will is not the same as last will and testament.</p>	<p>The Living Will is used when two physicians independently determine that you have an end-stage, terminal, or persistent vegetative condition and it is unlikely you will regain the ability to make your own health care decisions.</p>

### Do Not Resuscitate (DNR) Order

A Do Not Resuscitate (DNR) Order is not an advance directive. It is a physician’s medical order to allow natural death. A DNR order is discussed and written when cardiopulmonary resuscitation (CPR) would not achieve the desired results in patients with a terminal condition or serious illness and the agreed upon plan of care is to allow a natural death. A DNR order alerts health care providers to not provide CPR in the event that the heart or breathing stops.

Florida law provides an outpatient DNR order form that alerts emergency medical technicians (EMT) or paramedics to not provide CPR in the event the heart or breathing stops. To be valid, it must be signed by a physician, the patient or the patient’s representative, and be printed on yellow paper. DNR orders agreed upon by the patient cannot be canceled by a family member without the patient’s consent.

## Making changes to your advance directive forms

To make sure your advance directives remain up to date and accurately reflect your preferences, it is important to review your forms at least every 5 years or when you experience a significant life event such as marriage, divorce, a new medical diagnosis, or the death of a loved one. **You may revoke (destroy or cancel) an advance directive at any time.** You may make changes to your advance directive forms at any point by (1) completing and signing new forms which will automatically revoke any previous forms, (2) signing a form or verbally stating your intent to destroy or change your current form, or (3) destroying or instructing someone else to destroy the form on your behalf. You should make sure that your health care providers have the most recent version.

## Talk with your loved ones about your wishes

Talking about end-of-life issues is difficult; however, it is a gift for your loved ones. If your family members are aware of your preferences, they will be more comfortable sharing your wishes with the medical team if necessary. We suggest using The Conversation Project (<https://theconversationproject.org/>) to help guide you through thinking about your wishes, goals and values and sharing them with your loved ones.

We urge you to take the time you need to complete your advance directives. If you are not comfortable completing them or need help, resources are available to assist you and answer any questions or concerns you may have.

Know that the same high quality patient care is given to all Cleveland Clinic patients, regardless of whether they have advance directives in the medical record.

## What do I do with my forms after I complete them?

After you complete the forms, talk to those people who may be involved with your health care decision making, and give them a copy of your forms to make sure your wishes are followed.

We encourage you to have a copy of your advance directive placed in your electronic medical record at the Cleveland Clinic. Please bring your advance directive documents to your next appointment.

## Organ, tissue and eye donation

Your decision to donate organs, tissues, or eyes is optional and can be registered in the Florida organ registry at <https://www.donatelifeflorida.org>. Becoming an organ, tissue and eye donor truly shares life with others. By putting your name on Florida's organ, tissue and eye donor registry, you consent to having your organs, tissues and eyes made available for transplantation upon death.

## Further resources

Videos, advance directive information and forms can be found at: <https://my.clevelandclinic.org/patients/information/medical-decisions-guide/advance-directives>