

COMMUNICATING YOUR HEALTH CARE CHOICES

Individuals usually make decisions regarding their health care treatment after their physician recommends a course of treatment and provides information about the treatment. These decisions may become more difficult, however, if a patient becomes unable to tell their doctors and loved ones what kind of health care treatment they want. Through documents, known as advance directives, individuals can express their treatment preferences before they actually need such care, ensuring that their wishes will be carried out and that their families and others will not be faced with making these difficult decisions.

This brochure will give you some basic facts about your rights as a patient. Additional information may be obtained from your physician or nurse.

CONSENT TO MEDICAL TREATMENT

Informed Consent

You have the right to decide what may be done to your body during the course of medical treatment. Your physician will discuss with you the nature of your condition, the proposed treatment and any alternate procedures that are available. Your physician also will provide you with information about the risks associated with certain medical procedures. This information will help you make an informed decision about the kind of treatment you want to receive.

Surrogate Decision-Maker

If you become unable to make your own health care decisions and do not have a legal guardian or someone designated under a Medical Power of Attorney, then certain family members and others can make medical treatment decisions on your behalf.

ADVANCE DIRECTIVES

Below is some general information on the four types of advance directives recognized under Texas law. Advance directives can be changed or cancelled at any time.

Directive to Physicians

A Directive to Physicians, also known as a "living will", allows you to tell your physician not to use artificial methods to prolong the process of dying if you are terminally ill. A Directive does not become effective until you have been diagnosed with a terminal or irreversible condition.

If you sign a Directive, talk it over with your physician and ask that it be made part of your medical record. If for some reason you become unable to sign a written Directive, you can issue a Directive verbally or by other means of non-written communication, in the presence of your physician.

If you have not issued a Directive and become unable to communicate after being diagnosed with a terminal or irreversible condition, your attending physician and legal guardian, or certain family members in the absence of a legal guardian, can make decisions concerning withdrawing, withholding or providing life-sustaining treatment. Your attending physician and another physician not involved in your care also can make decisions to withdraw or withhold life-sustaining treatment if you do not have a guardian and certain family members are not available.

Medical Power of Attorney

Another type of advance directive is a Medical Power of Attorney, which allows you to designate someone you trust – an agent – to make health care decisions on your behalf should you become unable to make these decisions yourself.

You cannot choose as your agent your health care provider, including a physician, hospital or nursing home; an employee of your health care provider, unless he is your relative; your residential care provider, such as a nursing home or hospice; or an employee of your residential care provider, unless he is related to you.

The person you designate has authority to make health care decisions on your behalf *only* when your attending physician certifies that you lack the capacity to make your own health care decisions. Your agent cannot make a health care decision if you object, regardless of whether you have the capacity to make the health care decision yourself, or whether a Medical Power of Attorney is in effect.

Your agent must make health care decisions after consulting with your attending physician, and according to the agent's knowledge of your wishes, including your religious and moral beliefs. If your wishes are unknown, your agent must make a decision based on what he believes is in your best interest.

Out-of-Hospital Do-Not-Resuscitate Order

An Out-of-Hospital DNR Order allows you to refuse certain life-sustaining treatments in any setting outside of a hospital. This advance directive must be issued in conjunction with your attending physician.

8004293

Declaration for Mental Health Treatment

Another type of advance directive deals with mental health treatment issues only. A Declaration for Mental Health Treatment allows you to tell health care providers your choices for mental health treatment, in the event that you become incapacitated.

LEGAL ASPECTS OF ADVANCE DIRECTIVES

An advance directive does not need to be notarized. Neither this hospital nor your physician may require you to execute an advance directive as a condition for admittance or receiving treatment in this or any other hospital. The fact that you have executed an advance directive will not affect any insurance policies that you may have.

HOSPITAL POLICIES FOR IMPLEMENTING PATIENT'S RIGHTS

Formal policies have been adopted to assure that your rights to make medical treatment decisions will be honored to the extent permitted by law. This hospital has adopted policies relating to informed consent, and implementation and treatment decisions under the Directive to Physicians, the Medical Power of Attorney, the Out-of-Hospital Do-Not-Resuscitate Order and the Declaration for Mental Health Treatment.

Complaints concerning advance directive requirements may be filed by calling the Texas Department of Health, 800/228-1570.

Prepared by the Texas Hospital Association.

If you have questions, or need copies of the Advance Directive forms, please notify your nurse.
Information booklets are available through the Social Services Department or the Nursing Supervisor.