



Rancho Los Amigos National Rehabilitation Center

ADMINISTRATIVE POLICY AND PROCEDURE

SUBJECT: ADVANCE HEALTH CARE DIRECTIVES

Policy No.: B803
Supersedes: May 10, 2016
Revision Date: October 7, 2021
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PURPOSE:

To comply with the Patient Self-Determination Act by ensuring that patients are informed of their right to make decisions about their medical treatment and to assist patients with communication of these decisions to their health care providers.

POLICY:

Rancho Los Amigos National Rehabilitation Center shall comply with federal and state laws and regulations providing for patient's rights to make health care decisions and to execute Advance Health Care Directives.

Rancho Los Amigos National Rehabilitation Center supports a patient's right to participate in health care decision making.

Patients shall not be discriminated against based on whether or not they have executed an Advance Health Care Directive or on the contents of such directive if it exists.

An advance health care directive is a document that may authorize another person to make health care decisions for a patient when the patient is no longer able to make decisions for him or herself. The advance health care directive may contain information about a patient's desires concerning health care decisions, particularly decisions concerning end-of-life care.

DEFINITIONS

Advance Health Care Directive or Advance Directive means either an individual health care instruction or a power of attorney for health care.

Individual Health Care Instruction or Individual Instruction means a patient's written or oral direction concerning a health care decision. The individual instruction may be limited to take effect only if a specified condition arises, if the patient so desires. The patient may give their physician an oral individual instruction during the course of their hospitalization. (See physician procedure section.)

EFFECTIVE DATE: March 1, 1994

COUNTY OF LOS ANGELES • DEPARTMENT OF HEALTH SERVICES

APPROVED BY:

Surrogate means an adult, other than a patient's agent or conservator, authorized to make a health care decision for the patient. The patient must make this designation by personally informing the supervising health care provider. An oral designation of a surrogate must be promptly recorded in the medical record, and is effective only during the course of treatment or illness or during the stay in the hospital when the designation is made.

Agent means an individual designated in a power of attorney for health care to make a health care decision for a patient. An agent may include a successor or alternate agent.

Capacity means a patient's ability to understand the nature and consequences of proposed health care, including its significant benefits, risks, and alternatives, and to make and communicate a health care decision. The primary physician is ultimately responsible for determining the patient's capacity.

ADVANCE HEALTH CARE DIRECTIVE

A written advance health care directive is legally sufficient if all of the following requirements are satisfied:

- a) The advance health care directive must contain the date of its execution.
- b) The advance health care directive must be signed either (1) by the patient or (2) **in the patient's name by another adult in the patient's presence and at the patient's direction (for example, if the patient cannot write).**
- c) The advance health care directive must be acknowledged before a notary public or signed by at least two adult witnesses who satisfy the requirements as defined on the advance health care directive form itself.
 - a. Each witness must witness either the signing of the advance directive by the patient or the patient's acknowledgement of his or her signature on the advance directive.
 - b. At least one witness must not be an individual who is related to the patient by blood, marriage, or adoption, nor entitle to any portion of the patient's estate upon the patient's death under a will existing when the advance directive is executed.
 - c. Witness may not be the following:
 - i. The patient's health care provider or employee of the patient's health care provider
 - ii. The operator or an employee of a community care facility
 - iii. The operator or employee of a residential care facility for the elderly, or
 - iv. The agent
- d) In the absence of knowledge to the contrary, it may be assumed that an advance health care directive is valid if executed in another state or jurisdiction.
- e) Unless the document states otherwise, a power of attorney for health care is of unlimited duration.

REVOCATION OF AN ADVANCE HEALTH CARE DIRECTIVE

A patient having capacity may revoke all or part of an advance health care directive, including assigning a new agent or surrogate by personally informing the primary care physician. The physician shall document the patient's orally expressed advance directives and other health care instructions in the medical records.

PROCEDURES:

Inpatient Admission Procedure:

1. During the admission process, nurses are required to ask and document in electronic health record (EHR) if the patient has an advance directive for:
 - A. Adults over the age of 18 or emancipated minor;
 - B. Persons responsible for adults who are cognitively impaired or mentally incompetent.

2. If the response is yes, and:
 - A. If the document is not available on admission, request for patient's family or caregiver to bring a copy of the Advance Health Care Directive to the hospital.
 - B. If the document is available, make a copy of the document for placement in the patient's medical records.

3. If the response is no, the staff shall:
 - (1) As the patient if he/she wishes to receive further information on the advance directive.
 - (2) If the patient requests more information:
 1. Provide a brochure on Advance Health Care Directive, and or
 2. Advise the patient or relative that information on Advance Health Care Directives is available through closed circuit television, and or
 3. Refer to Social Work Department for further information

Pre-Op Visits for Same Day Surgeries

During the patient's pre-op visit, the nurse will determine if the patient has an Advance Health Care Directive. The patient will be asked to bring it in on the day of surgery and it will be placed in the chart. If the patient does not have an Advance Health Care Directive, and would like information about one, the patient will be referred to the physician and/or social worker.

This action should be documented in the progress notes section of the medical record.

Social Work Procedure:

1. When requested by the patient, family or staff, offer information/assistance with Advance Health Care Directives to patients who do not have Advance Health Care Directives on file;

2. Refer patients to physicians for information regarding their health care choices as requested;

3. Document in the Social Work Progress Note of the medical record all action taken regarding Advance Health Care Directives.

Physician Procedure:

The patient's physician is the ultimate resource person to whom questions regarding health care choices of individual patients shall be referred. The physician shall:

1. Review and act upon the Advance Health Care Directive;
2. Respond to any questions addressed to him/her by the patient regarding his/her health care options;
3. In case of an Advance Health Care Directive requesting a DNR, the physician will initiate the appropriate orders and follow-up. (See Administrative Policy # B804);
4. Notify the treatment team of the Advance Health Care Directive.

Interdisciplinary Health Care Team

Members of the patient's health care team shall review the directive as part of their initial patient evaluation and be kept informed by the physician of any subsequent changes to the directive.

Bioethics Committee

The Bioethics Committee is available to patients and staff for consultation and information regarding Advance Health Care Directives.

EDUCATION

STAFF

It is the responsibility of Department Heads to educate professional staff about patient's rights, including: (1) their right to make decisions about their medical care and (2) their right to execute Advance Health Care Directives.

COMMUNITY

The Advanced Health Care Directive is available to print and view on the intranet. Brochures about Advance Health Care Directives are available in all patient waiting areas throughout the hospital and will be included as part of any community outreach activities.

CONSCIENTIOUS OBJECTION

Rancho Los Amigos National Rehabilitation Center, on a policy level, does not have any conscientious objections to the carrying out of a patient's Advance Health Care Directive, so long as that Directive is within the legal parameters of the law.

Any health care provider has the right to object to implementation of an Advance Health Care Directive on the basis of conscience so long as an appropriate transfer of the care of the patient to another health care provider is carried out. This objection must be discussed with your immediate supervisor as soon as the objection is raised. (See Administrative Policy #B810)

ADDITIONAL INFORMATION

The California Consent Manual, published by the California Health Care Association, contains detailed information about The Durable Power of Attorney for Health Care. Please consult the California Consent Manual for any questions/concerns not addressed in this policy.

REFERENCE: Patient Self-Determination Act Omnibus Budget Reconciliation Act of 1990.
The Joint Commission Chapter on Patient Rights and Organizational Ethics.
California Uniform Health Care Decision Act of July, 2000

Revised:

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CD:BH:vz
Dr. M. Carpio March 6, 2011

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