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Advanced Directive Forms and answer to Proxy vs Surrogate

1 message

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Hi Everyone,

Thanks you to those who attended the group on Wednesday. I am attaching the forms we filled out, if anyone else needs or wants them. During our conversation and review, Lida asked a very good question about a line on the the DNR form "What is the difference between a health care proxy and a surrogate?" I've looked through a lot of sites to get the clearest answer possible, in some places they use these terms interchangeably, but this was the most clear information, and also discussed domestic partners, which applies to some of you:

How are health care decisions made for a hospital patient or nursing home resident who does not have capacity?

If the patient has a health care proxy, the health care agent named in the proxy makes decisions. If a patient does not have a health care proxy, a legal guardian (or the person highest in priority from the surrogate list, known as "the surrogate") makes decisions.

What is the surrogate list? Below is the surrogate list. The person who is highest in priority is listed at the top. The person with the lowest priority is at the bottom.

- The spouse, if not legally separated from the patient, or the domestic partner;
- A son or daughter 18 or older;
- A parent;
- A brother or sister 18 or older; and
- A close friend.

What is a "domestic partner"? A "domestic partner" is a person who:

- has entered into a formal domestic partnership recognized by a local, state or national government. Or, this person has registered as a domestic partner with a registry maintained by the government or an employer; or, this person
- is covered as a domestic partner under the same employment benefits or health insurance; or, this person
- shares a mutual intent to be a domestic partner with the patient, considering all the facts and circumstances, such as:
 - They live together.
 - They depend on each other for support.

- They share ownership (or a lease) of their home or other property.
- They share income or expenses.
- They are raising children together.
- They plan on getting married or becoming formal domestic partners.
- They have been together for a long time. Who cannot be a domestic partner?
- A parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the patient or the patient's spouse.
- A person who is younger than 18. Who qualifies as a "close friend"? A "close friend" is any person, 18 or older, who is a friend or relative of the patient. This person must have maintained regular contact with the patient; be familiar with the patient's activities, health, and religious or moral beliefs; and present a signed statement to that effect to the attending doctor.

What if a surrogate highest in priority is not available to make the decision? If this happens, the next available surrogate who is highest in priority makes the decision.

What if a surrogate highest in priority is unable or unwilling to make the decision? In this case, another person from the surrogate list will decide.

The surrogate highest in priority may designate any other person on the list to be surrogate, as long as no one higher in priority than the designated person objects.

Can patients or other decision makers change their minds after they make a treatment decision? Yes. Decisions may be revoked after they are made by telling staff at the hospital or nursing home.

So, basically, if you've filled out your Advanced Directive form, you get to make the decision, instead of the decision of a proxy being made for you.

Great to be learning together, see you next week,

Torii

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4 attachments



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