

The GIFT OF PEACE OF MIND

For yourself, For your Family

A Step-By-Step Guide To Preparing Advance Directive Documents



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The GIFT OF PEACE OF MIND

For yourself, For your Family

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A Step-By-Step Guide To Preparing Advance Directive Documents

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REFERENCES

Primary references:

Emanuel LL, Emanuel EJ. “The Medical Directive: A New Comprehensive Advance Care Document.” *Journal of the American Medical Association*, June 9, ‘89; 261:3290. Copyright 1990. It does not reflect the official policy of the American Medical Association.

Reprint permission from Drs. Linda L. and Ezekiel J. Emanuel.

“Taking Steps To Plan for Critical Health Care Decisions,” Vermont Ethics Network.

Other references:

Gillick MR, Hesse K, Mazzapica N., Medical Technology at the End of Life: What Would Physicians and Nurses Want for Themselves? *Archives of Internal Medicine*, 1993; 153:2542-2547

“Health Care Powers of Attorney,” Commission on Legal Problems of the Elderly, American Bar Association.

“Planning for Incapacity: A Self-Help Guide,” Legal Counsel for the Elderly, Sponsored by the American Association of Retired Persons.

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HOW TO USE THIS BOOKLET

The purpose of this booklet is to educate the public about advance directives. By doing so, we hope to increase the use of advance directives, as well as the quality and accuracy of the documents themselves. The reader is led through a series of steps that ultimately lead to filling out the advance directive documents in an informed manner.

This booklet can be used in a variety of ways.

For example:

- *An individual, couple or family member can use it when planning for the future.*
- *A health educator or human resources director can use it in large group education programs.*
- *A physician, nurse or health care facility employee can use it when talking with patients or clients about future health decisions.*

You may make as many copies of the booklet itself, the advance directive forms and instructions, and the values survey as you need.

The Living Will and Durable Power of Attorney for Health Care forms included in this booklet are meant to be duplicated and used by individuals. Duplicate copies are legal documents if properly witnessed or notarized. The values survey and medical situation worksheet are not legal documents themselves, but are intended for use in guiding decision making. For additional copies of this publication, call or write the Iowa Department of Elder Affairs, 200 10th Street, 3rd Floor, Des Moines, Iowa 50309, 515/242-3333.

An effort has been made to answer as many questions as could be anticipated on the subject of advance directives. If questions remain, we urge you to discuss them with your health provider or your lawyer.

INTRODUCTION

This educational booklet was produced by the Drake University Center for Health Issues, a multi-disciplinary organization dedicated to public education about economic and ethical issues in health care. It is about making health care decisions in advance and creating peace of mind for you and your family regarding these decisions.

If you suddenly became so ill that you were unable to make medical treatment decisions for yourself, the burden of deciding would fall to your family and loved ones. It is for them that you read this booklet and complete the enclosed advance directive documents.

Medical technology can extend life, but the quality of that life varies for each person. Decisions about what is tolerable in life and in the dying process are personal and should be made individually before the opportunity is lost.

Advance directives, such as the Living Will and the Durable Power of Attorney for Health Care have grown out of a desire to maintain individual control over one's life. These documents work by extending the right of self-determination into the future. By recording our choices now (as competent persons), we can influence health-care decisions made for us in the future.

"The Gift of Peace of Mind: For Yourself, For Your Family" is intended for use by health providers when talking to patients about advance directives, as well as by lay persons who wish to complete advance directives as individuals or in group settings. It is a detailed guide to the steps involved in filling out advance directive documents. We encourage you to duplicate it for your use.

This booklet is intended for informational purposes only and is subject to revision if laws should change.



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STEP I: UNDERSTANDING ADVANCE DIRECTIVES

What are advance directives?

Advance directives are documents that enable you to make decisions now about your medical care in the future. They offer guidance to your family and doctors when you cannot speak for yourself, and help to assure that your values and important wishes are carried out. There are two advance directive documents recognized legally in Iowa. They are explained below.

Can health care decisions be made for me without advance directives?

Yes. If you have not completed an advance directive and are unable to make decisions, family members will make health care decisions for you, after talking with your doctors about your condition. However, it is best that these people understand your wishes and values. Completing advance directive documents can give you greater assurance that your wishes will be carried out. They also can give your family members peace of mind that they are doing as you would prefer.

Who can legally complete an advance directive?

Any competent adult (18 years or older) can complete an advance directive. A competent adult is one who has the capacity to understand the nature and possible results of his or her medical condition and to make independent decisions regarding treatment.

Which advance directive documents are legal and available in Iowa?

Iowa law provides two types of advance directives:

The Durable Power of Attorney for Health Care

The Durable Power of Attorney for Health Care is a legal document that allows you to choose someone as your agent (someone who acts for you) to make health care decisions whenever you cannot, due to unconsciousness or loss of ability to think and reason. This agent is required to make decisions according to directions you provide in writing or verbally to him or her. If your wishes are not clearly understood and defined, then your agent will make decisions

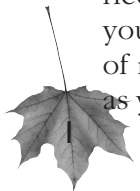
based on what he or she believes to be in your best interest. Your agent is given the right to examine your medical records.

The Durable Power of Attorney for Health Care must be filled out and witnessed while you are still capable of making decisions for yourself. Any incapacity you may suffer later in your life will then be covered by the Durable Power of Attorney for Health Care.

The Durable Power of Attorney for Health Care comes into play when your doctor has determined that you are unable to make health decisions for yourself, even when the situation is temporary, such as after a car accident or a severe, sudden illness. Unlike a Living Will, which is the second type of advance directive and is discussed on page 3, the Durable Power of Attorney for Health Care is not restricted to patients with permanent unconsciousness, with a condition that will lead to their death (often called a terminal or fatal condition) or to decisions about procedures that delay the dying process (life-sustaining procedures).

1. The following are tasks involved when filling out the Durable Power of Attorney for Health Care;

- ***Choosing an agent (someone who acts for you) to make health care decisions for you whenever, in the judgment of your doctor, you are unable to make health care decisions because of loss of consciousness or loss of ability to think and reason. As long as you are able to make your own decisions you, not your agent, have the authority to make treatment decisions. Typically, an adult child, a spouse, or a friend is chosen as a health care agent.***
- ***Making decisions regarding specific health care treatments that you do or do not want in certain situations.***
- ***Having the document witnessed or notarized.***
- ***Distributing the Durable Power of Attorney for Health Care to the appropriate people.***



2. The Living Will, known in Iowa as The Declaration Relating to Use of Life-Sustaining Procedures.

A Living Will is a document directing your physician to withhold or withdraw certain treatments (life-sustaining procedures) that could prolong the dying process. This advance directive becomes effective only at a point when, in the written opinion of your doctor (confirmed by one other doctor), you are expected to die soon and you are unable to make health decisions for yourself (because you are unconscious or unable to think and reason) or you are determined to be permanently unconscious (irreversible coma, persistent vegetative state).

Do I need to complete both documents?

It is up to you. The Living Will and the Durable Power of Attorney for Health Care are legal documents that, when considered together, provide a very clear picture of your wishes. Through a Durable Power of Attorney for Health Care, your agent can make all of your health care decisions, even those that would be covered by a

Living Will. However, if you know you do not want to have your death prolonged by machines, drugs or treatments, you may also want to sign a Living Will since it provides information to your doctor if you don't have an agent or Durable Power of Attorney for Health Care or your agent is not available.

Where can I get a Living Will or Durable Power of Attorney for Health Care form?

Forms and directions can be found on pages 19-34. You are welcome to copy these forms to use for yourself or to give to family and friends. For additional copies of this booklet, call or write the Iowa Department of Elder Affairs, 200 10th Street, 3rd Floor, Des Moines, Iowa 50309, 515/242-3333.

How do I complete advance directives?

As you read this booklet, you will find very detailed instructions on how to fill out the documents. After they are filled out, your signature must be witnessed or notarized or be legally recognized.

Legal requirements for witnessing are the same for both the Living Will and the Durable Power of Attorney for Health Care. Each form must be signed and dated and then, either two people over the age of 18 must witness your signature and sign on the lines labeled for witnesses, **or** you must get the form notarized. At least one of the witnesses **must not** be related to you by blood, marriage, or adoption. If you use a notary, witnesses are not necessary. The following persons **cannot** legally act as a witness for you:

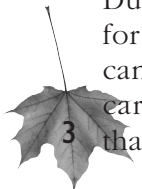
- *Someone who has been appointed as your agent on the Durable Power of Attorney for Health Care form*
- *Someone who is treating you as a patient, such as your doctor or nurse*
- *An employee of anyone treating you (including any employee of your doctor, the hospital, nursing home or hospice where you may obtain medical treatment), unless the employee is also your relative*

What should I do with the completed advance directives?

Copies must be made and given to family members, your health care agent, your family doctor and, if appropriate for you, your pastor, priest or rabbi. It is also important to remember that a copy should be taken to the hospital with you every time you are admitted, to ensure that hospital staff are aware of it.

It is important to communicate with your loved ones and doctors about the existence of your completed advance directives and about the information they contain. This will make your family, agent and doctors more certain of your wishes and more comfortable making decisions for you.

Your doctor or nurse can be a very valuable source of information when you have questions about certain medical treatments. They can help you understand what types of situations might arise and what your treatment options might be in such cases. Schedule a time to talk with him or her about these concerns.



What if I change my mind?

You may change or cancel these documents at any time, regardless of your physical or mental condition. If changes are made in writing, you should put your initials and a date by each change, and sign and date it again at the bottom of the form. Copies of the changed advance directives should be made and distributed as before. If you wish to cancel the form, you must tell your doctor and it's also a good idea to destroy the document. Iowa law does not require you to cancel either document in writing. It can be done verbally.

Situations and values change as you age and it is important to re-evaluate your advance directives every year to ensure that they remain accurate.

What if a doctor is unwilling to comply with my Living Will or my agent's decisions?

If, in the future, a doctor or administrator of a hospital or health care facility is unwilling to follow your wishes as recorded in your advance directive documents, or as made by your agent, the doctor or administrator must take all possible steps to arrange to

transfer you to another doctor or facility that is willing to do so.

If I move to another state, will my advance directive be valid?

They should be honored in any state, as they are evidence of your wishes no matter where you are. However, the legal requirements for advance directive documents vary from state to state. If you want to be absolutely safe when you move to another state, it is a good idea to complete new documents that meet the legal requirements of that state. This is also true if you live in another state for a portion of the year.

If I am in an accident, how will the police and ambulance crews know about my advance directives?

In case you are involved in a car accident in Iowa, or another state, you should carry a wallet card that shows that you have signed an advance directive in Iowa and how to get in touch with your agent. This cannot guarantee that your wishes will be carried out, but will go far in letting others know of them. A wallet card is included on the inside back cover of this

booklet.

Can I be required to sign these documents as a condition for admission to a health care facility?

No. A hospital or nursing home cannot refuse to admit you just because you have not signed a Living Will or Durable Power of Attorney for Health Care. If any health care facility tries to force you to sign an advance directive, you should contact the Iowa Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0075, 515/281-4115. All such facilities are required by law, however, to ask you if you have an advance directive and to offer you information about them.

Do I need an attorney to complete advance directives?

No. An attorney is not necessary to legally complete these documents. However, it is important that they be completed correctly and having an attorney involved may give you peace of mind. You also may wish to contact your attorney with any questions or concerns about the effect of these documents.



Who should be my agent?

The choice of your agent (known legally as the “attorney-in-fact”) is one of the most important parts of completing a Durable Power of Attorney for Health Care. Your agent will have direct control over your health if you become unable to make health care decisions.

Therefore, it is necessary that your agent be someone you trust, and someone who is capable of understanding the responsibilities involved in being a health care agent. Many people choose a spouse or an adult child, but the agent does not have to be a member of your family. Some people choose a friend, spiritual leader or their personal attorney. Be certain to spend time with the person you appoint ensuring they understand in detail your values and specific medical treatment wishes. The values survey and medical situation worksheet included in this booklet can be very valuable tools when talking about these issues.

In Iowa, the following persons cannot be appointed as an agent:

- *Someone who is treating you as a patient, such as your doctor or nurse*
- *An employee of anyone treating you (including any employee of your doctor, or the hospital, nursing home or hospice where you may obtain medical treatment), unless the employee also is your relative.*

STEP II: UNDERSTANDING LEGAL AND MEDICAL TERMS

The following glossary of medical and legal terms, while accurate, is explanatory in nature and should not be considered as legal definitions. For further information, contact your physician or attorney.

Advance directive -

A general term for legal documents (such as a Living Will or a Durable Power of Attorney for Health Care) that state a person’s wishes for medical treatments in case he or she is not able to make his or her own decisions.

Agent -

Someone who acts for you; the same as “attorney-in-fact.”

Antibiotics -

Drugs given to fight infection. The most common types of life-threatening infections in critically ill patients include pneumonia and urinary tract infections (kidney or bladder).

Artificial provision of nutrition and fluids (“tube-feeding”) -

Used either temporarily or permanently to feed patients when they are unable to swallow. There are three ways to feed patients artificially:

- *A tube inserted through the nose and down to the stomach (nasogastric tube)*
- *A tube inserted through the stomach wall with surgery (gastrostomy tube)*
- *Tubes placed into veins in the arms or the chest (intravenous tubes or IVs)*

Iowa law permits persons to refuse tube-feeding, just as they may refuse other medical treatments.

Cardiopulmonary resuscitation (CPR) -

The procedure used when someone whose heart and/or breathing have stopped is brought back with the following actions:

- *Pressing on the chest to squeeze the heart so that blood begins to circulate again*
- *Mechanical breathing (or other artificial breathing with a mouthpiece or tube and a bag) to push air into the lungs*



- *Electrical shocks to the chest to start the heart beating again (defibrillation)*
- *Medications given through a vein or directly into the heart*

The best results from CPR occur in a generally healthy person whose heart stops suddenly. If CPR is started quickly, it can save a person's life and prevent damage to the body's tissues and organs. On the other hand, permanent brain damage is common if more than about 4 minutes have gone by before CPR is started.

Coma -

A sleep-like (eyes closed) condition resulting from damage to the brain from an accident or a disease. A coma can be temporary (with either complete or partial recovery) or permanent.

Comfort care -

Care to keep someone as comfortable as possible, including pain medication, lip ointment and ice chips, turning and positioning of the body frequently (or using special mattresses) to prevent bed sores, and bathing. This type of care eases the dying process but does not stop it.

Competent -

A competent person is one who has the capacity to understand the nature and possible results of his or her medical condition and to make their own decisions regarding treatment.

Declarant -

A person who is making a statement about their wishes, or a declaration, in a legal document.

Do-Not-Resuscitate (DNR) -

A DNR order is not the same thing as having an advance directive. If you want to avoid CPR, your doctor must write a separate order on your chart for each admission.

Hospitals and some nursing homes will automatically attempt CPR (see definition) on anyone whose heart and/or breathing stops, unless there is a "Do-Not-Resuscitate" or "DNR" order on file for the patient. A DNR order (also called a "no code") can be written by a doctor with permission of the patient, his or her health care agent, or the family.

Durable Power of Attorney for Health Care -

A document that allows you to appoint another person (called your agent or attorney-in-fact) to make medical care decisions for you if you are unable to make your own decisions. There is a copy of one that is legal in Iowa, along with directions for filling it out, on pages 19-26.

Execute -

To follow the guidelines set down in law for completing a document so that it is legal and enforceable. This may include having witnesses attest to your signing of the document.

Fatal (terminal) condition -

See "terminal condition".

Informed consent -

Agreeing to a plan of treatment after you or your agent have been given information about your medical condition and the treatment options.

Life-sustaining procedures -

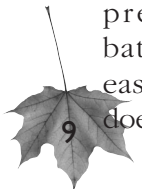
Drugs, medical equipment, or treatments that can keep people alive who would otherwise die within a short, although uncertain, length of time.

Living Will -

A document, known in Iowa as the Declaration Relating to Use of Life-Sustaining Procedures, that gives your attending physician direction to withhold or withdraw procedures that merely prolong the dying process and are not necessary for comfort or freedom from pain. There is a copy of one that is legal in Iowa, along with directions for filling it out, on pages 27-32.

Mechanical breathing -

Breathing by a machine (ventilator or respirator) when a patient is unable to do so for themselves. This is done by inserting a tube into the windpipe through the nose or mouth (endotracheal tube), or through a hole cut in the windpipe at the front of the neck (tracheostomy). The endotracheal tube is the more uncomfortable because it prevents the patient from talking and eating, and causes a gag reflex. The tracheostomy requires surgery, but can allow the patient to eat and talk when they are off the respirator for short periods of time. This type of machine is very useful for emergency situations.



Medical technology -

The equipment and treatments doctors use to diagnose and fight disease, treat injuries or maintain a patient's mental or physical condition. Some examples are surgery, CAT scans and other x-ray procedures, drugs and heart bypass machines.

Pain medication -

Medications that relieve pain resulting from injury or disease. They are a very important part of comfort care (see definition). These medications may have adverse side effects. They may also interfere with breathing in very ill patients. These side effects can indirectly shorten life.

Persistent vegetative state (PVS) -

A state of permanent unconsciousness that is not curable. It may take up to three months to be certain of a diagnosis of PVS. In patients with PVS, the centers in the brain that control thinking, speaking, hunger and thirst have been destroyed. PVS patients still have reflexes, such as aimless eye and muscle movements, yawn-

ing, coughing, and responses to touch or sound. Current medical knowledge indicates that they do not feel pain. This diagnosis includes patients who appear to be awake at times, but does not include those who are in a deeper coma with their eyes closed.

Principal -

The person who is giving power to make health care decisions to a health care agent in the Durable Power of Attorney for Health Care document.

Terminal (fatal) condition -

Iowa law defines a terminal condition as one that is incurable or irreversible, that without the administration of life-sustaining procedures, will, in the opinion of the attending physician (with confirmation by a second physician), result in death within a relatively short period of time. There is no specific time period identified. A terminal condition also can be a state of permanent unconsciousness from which, to a reasonable degree of medical certainty, there can be no recovery.

STEP III: VALUES SURVEY

The following questions can help you assess your values concerning medical and end-of-life decisions. You may use these questions to discuss your views with your agent, doctor and family. Talking with them about these values will give them peace of mind when the time arrives for difficult decisions to be made, and will help you make specific choices about medical procedures.

What do you value most about your life? What brings you joy?

For example:

- *Living as long as possible*
- *Living an active life*
- *Enjoying the company of family and friends*
- *Remaining independent and in control*

If you find that activity, independence, and/or social interaction are more valuable to you than merely living a long life, then making specific choices concerning medical situations (such as is found in the next section) will be particularly important to you and your family.

Are there certain mental or physical conditions that would make you think that treatments that prolong dying should no longer be used?

For example:

- *Lack of awareness of self or surroundings*
- *Inability to appreciate and continue the important relationships in your life*
- *Inability to think well enough to make every-day decisions*
- *Severe pain or discomfort*
- *Physical damage (such as paralyzed or amputated legs/arms)*

It is important to consider some of the possible effects other than death that a severe illness or accident could cause.

How might your personal relationships and responsibilities affect your own medical decision making?

For example:

- *The desire to make your own decisions*



- *The desire to avoid burdening your family with difficult decisions*
- *Wanting to leave your family with good memories*
- *Avoiding using up your family savings*

Providing your loved ones and caregivers with the information they need to make medical decisions for you is a wonderful gift. It can spare them great anguish, emotional stress and conflict. Even though losing you will be difficult for your family, knowing that they are doing the things you would have wanted will smooth the way.

How do you feel about death and dying?

For example:

- *You fear that death will be too prolonged, or that you will be in too much pain.*
- *You lost someone close to you and you do not want to die that way yourself.*
- *You want to die with respect and control, and in a setting that you choose as best for you and your family.*
- *You do not want to suffer for a long time.*

All of these questions are very important to consider, along with decisions about medical treatments.

STEP IV: MEDICAL SITUATION WORKSHEETS

The following worksheets present four medical situations in which advance directives often are needed. After the description of each situation you will find a checklist of six possible treatments or procedures commonly used by doctors and nurses in hospitals to treat the condition described. Please read each situation carefully, try to imagine yourself in the situation, and decide whether you want, do not want, can't decide, or prefer that the treatment be tried first to determine if it would help you. Put a check mark in one column by each numbered treatment.

This worksheet is not a legal document. It is meant to be a guide for you, as well as for your family, agent, and doctor, not a complete list of all possible medical conditions.

Knowing your wishes in these particular situations, however, will offer guidance in other situations. We recommend that you fill out these worksheets and use this information to fill in Section 2 on the Durable Power of Attorney for Health Care form, and Section 4 on the Living Will form. This information will provide valuable assistance and direction to your agent and doctors in the future.

This section was adapted from Emanuel LL, Emanuel EJ, "The Medical Directive: A New Comprehensive Advance Care Document," *Journal of the American Medical Association*, June 9, '89; 261:3290. Copyright 1990.



A. *If my doctor has definitely determined that I have a condition that will shortly cause my death (fatal or terminal condition), and I am unconscious or otherwise unable to speak for myself, then my wishes regarding the use of the following would be:*

	I WANT	I DO NOT WANT	I AM UNDECIDED	I WANT TO TRY: <i>If No Clear Improvement, Stop Treatment</i>
1. CARDIOPULMONARY RESUSCITATION (CPR) The use of drugs, artificial breathing, external chest compression, and/or electric shock to restart the heart beating.				
2. MECHANICAL BREATHING Breathing by a machine through a tube inserted through the mouth or nose.				
3. ARTIFICIAL NUTRITION/HYDRATION Feedings and fluid given through a tube in the veins, nose, or stomach.				
4. PAIN MEDICATIONS (even if they dull consciousness and indirectly shorten my life).				
5. ANTIBIOTICS Drugs to fight infection.				
6. BLOOD OR BLOOD PRODUCTS				

B. *If I am unconscious from an accident or severe illness, and there is no known hope of recovering conscious awareness of my environment (irreversible coma or brain death), but machines and drugs could keep my body alive for years, then my wishes regarding the use of the following would be:*

	I WANT	I DO NOT WANT	I AM UNDECIDED	I WANT TO TRY: <i>If No Clear Improvement, Stop Treatment</i>
1. CARDIOPULMONARY RESUSCITATION (CPR) The use of drugs, artificial breathing, external chest compression, and/or electric shock to restart the heart beating.				
2. MECHANICAL BREATHING Breathing by a machine through a tube inserted through the mouth or nose.				
3. ARTIFICIAL NUTRITION/HYDRATION Feedings and fluid given through a tube in the veins, nose, or stomach.				
4. PAIN MEDICATIONS (even if they dull consciousness and indirectly shorten my life).				
5. ANTIBIOTICS Drugs to fight infection.				
6. BLOOD OR BLOOD PRODUCTS				



- C. *If I become permanently confused or have declined mentally so that I am not capable of caring for myself or being part of any meaningful interaction with family and friends (such as Alzheimer's Disease, multiple strokes, or dementia), and I become ill, then my wishes regarding the use of the following would be:*

	I WANT	I DO NOT WANT	I AM UNDECIDED	I WANT TO TRY: <i>If No Clear Improvement, Stop Treatment</i>
1. CARDIOPULMONARY RESUSCITATION (CPR) The use of drugs, artificial breathing, external chest compression, and/or electric shock to restart the heart beating.				
2. MECHANICAL BREATHING Breathing by a machine through a tube inserted through the mouth or nose.				
3. ARTIFICIAL NUTRITION/HYDRATION Feedings and fluid given through a tube in the veins, nose, or stomach.				
4. PAIN MEDICATIONS (even if they dull consciousness and indirectly shorten my life).				
5. ANTIBIOTICS Drugs to fight infection.				
6. BLOOD OR BLOOD PRODUCTS				

- D. *If I am healthy and am in an accident or suffer a sudden illness making me unable to make my wishes known, and my condition is potentially reversible in the opinion of my doctor, then my wishes regarding the use of the following would be:*

	I WANT	I DO NOT WANT	I AM UNDECIDED	I WANT TO TRY: <i>If No Clear Improvement, Stop Treatment</i>
1. CARDIOPULMONARY RESUSCITATION (CPR) The use of drugs, artificial breathing, external chest compression, and/or electric shock to restart the heart beating.				
2. MECHANICAL BREATHING Breathing by a machine through a tube inserted through the mouth or nose.				
3. ARTIFICIAL NUTRITION/HYDRATION Feedings and fluid given through a tube in the veins, nose, or stomach.				
4. PAIN MEDICATIONS (even if they dull consciousness and indirectly shorten my life).				
5. ANTIBIOTICS Drugs to fight infection.				
6. BLOOD OR BLOOD PRODUCTS				



STEP V COMPLETING THE DOCUMENTS

Completing a Durable Power of Attorney for Health Care

- ☐ **1. REVIEW THE VALUES SURVEY** on pages 12-13 of this booklet.

- ☐ **2. COMPLETE THE MEDICAL SITUATION WORKSHEETS, IF DESIRED,** on pages 14-18 in this booklet.

- ☐ **3. CHOOSE AN AGENT,** and an alternate agent (if possible).

Choosing an agent is very important because it is the agent's job to make sure your health care wishes (as written in your Durable Power of Attorney for Health Care and spoken verbally) are carried out. You will be trusting this person to talk to the doctors, to think about the choices available, and to make decisions that are as close as possible to those you would make yourself.

Many people choose an adult child, a spouse, or another close relative, while others prefer a close friend. Regardless of your choice, your agent should be someone you trust, who knows you well, and who understands your values and beliefs. See page 6 for a list of those who cannot legally be your agent.

- ☐ **4. TALK TO YOUR AGENT.**

Talk to your agent about your beliefs and values as they relate to illness and death. It would be very beneficial for you to go over the values survey and medical situation worksheet from this booklet with your agent; these worksheets may help you express your thoughts more clearly. Make sure your agent understands your wishes.

- ☐ **5. TALK TO OTHERS.**

Ask your doctor or nurse for any medical information that you may need, find out if he or she supports your decision to complete an advance directive, and review your specific decisions in the medical situations with him or her. Talk with your family. You might also want to talk with your pastor, priest or rabbi for guidance and support.

- ☐ **6. COMPLETE THE DURABLE POWER OF ATTORNEY FOR HEALTH CARE**

found on pages 24-26 of this booklet by following the instructions.

- ☐ **7. SIGN THE DOCUMENT, AND HAVE IT WITNESSED OR NOTARIZED.**

- ☐ **8. MAKE COPIES OF THE DURABLE POWER OF ATTORNEY FOR HEALTH CARE.**

Make a copy for yourself, and one each for your alternate agent, your doctor, your hospital, and your pastor, priest or rabbi. Make sure each of these people receives a copy. You might also want to supply copies to your family and lawyer. There is space on the form to note where additional copies can be located.

- ☐ **9. GIVE THE ORIGINAL DURABLE POWER OF ATTORNEY FOR HEALTH CARE TO YOUR AGENT.**



INSTRUCTIONS FOR THE DURABLE POWER OF ATTORNEY FOR HEALTH CARE. Please refer to the document on pages 24-26 and fill it out as you carefully read these instructions.

☐ **SECTION 1:**

Neatly print or type the name (first, middle initial, last) of your agent on the lines provided. An “attorney-in-fact” is the legal name for your agent.

- The section following the name and address of your agent legally identifies what duties and responsibilities are involved in being a health care agent including:

- a. the power to make health care decisions for you only if a doctor says you are unable to make them yourself
- b. the fact that those decisions must be consistent with your desires
- c. the power to consent to the withholding or withdrawing of medical treatments, even if they are necessary to keep you alive

- d. the power to make these decisions for you for any physical or mental condition as long as they are consistent with verbal or written instructions. Your agent is also given the right to examine your medical records.

☐ **SECTION 2:**

There is a blank area provided for you to write in specific instructions, such as the specific medical treatments that you wish to avoid and in which situations. Use your medical worksheets as a guide.

☐ **SECTION 3:**

Neatly type or print the name, address, and phone number of an alternate agent who will serve if your agent is unable to do so. This is suggested but not required.

☐ **SECTION 4 (ON PAGE 25-26):**

You have the option of using a notary, or having two witnesses sign your document. A notary public must observe you signing the document. Likewise, the two witnesses must see you sign and watch each other sign. Make sure that not more than one of your witnesses is related to you. Your doctor or an employee of your doctor cannot be a witness, unless they are also your relative. Also, your agent cannot be a witness.

☐ **SECTION 5:**

Sign your name as you do for any legal document, then neatly type or print your name (as principal, or the person granting the power of attorney) and address on the lines provided under your signature. Your signature must be made in the presence of your witnesses or a notary public.

☐ **SECTION 6:**

Record the location of each copy of the Durable Power of Attorney for Health Care.





DURABLE POWER OF ATTORNEY FOR HEALTH CARE

1. I (the “Principal”) hereby designate

(TYPE OR PRINT)

FIRST NAME MIDDLE INITIAL LAST NAME
STREET ADDRESS CITY STATE ZIP
TELEPHONE NUMBER

as my attorney-in-fact (my agent) and give to my agent the power to make health care decisions for me. This power exists only when I am unable, in the judgement of my attending physician, to make those health care decisions. The agent must act consistently with my desires as stated in this document or otherwise made known.

Except as otherwise specified in this document, this document gives my agent the power, where otherwise consistent with the laws of the State of Iowa, to consent to my physician not giving health care or stopping health care that is necessary to keep me alive.

This document gives my agent power to make health care decisions on my behalf, including the power to give consent, to refuse to consent, or to withdraw consent to any care, treatment, service, or procedure to maintain, diagnose, or treat a physical or mental condition. This power is subject to any statement of my desires and any limitations included in this document. My agent has the right to examine my medical records and to consent to disclosure of such records.

2. NOTE:

Insert here specific instructions or statement of desires of principal (if any). (The principal does not have to give any specific instruction or statement or desires but may do so.)

3. NOTE:

(The principal may designate one or more alternates as attorney in fact but does not have to.) If the person designated above is unable to serve,

I designate

(TYPE OR PRINT)

FIRST NAME MIDDLE INITIAL LAST NAME

STREET ADDRESS CITY STATE ZIP

TELEPHONE NUMBER
to serve as my attorney-in-fact.

4. This Power of Attorney *must* either be witnessed by two persons or notarized.

STATE OF IOWA _____, COUNTY, ss: _____

On this day of _____, 20____ before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared _____

to me known to be the person named in and who executed the foregoing instrument, and acknowledged that (he) (she) executed the same as (his) (her) voluntary act and deed.

Notary Public in Iowa

By signing, I declare that I signed this form in the presence of the other witness and the Principal, and I witnessed the signing by the Principal or other person acting on behalf of and at the Principal's direction.

Witness (1) Signature

SIGNATURE _____

PRINT FIRST NAME MIDDLE INITIAL LAST NAME

STREET ADDRESS CITY STATE ZIP

Witness (2) Signature

SIGNATURE _____

PRINT FIRST NAME MIDDLE INITIAL LAST NAME

STREET ADDRESS CITY STATE ZIP

5. Signed this _____ day of _____, 20____

SIGNATURE OF PRINCIPAL (person granting the Power of Attorney)

FIRST NAME MIDDLE INITIAL LAST NAME (TYPE OR PRINT)

STREET ADDRESS CITY STATE ZIP

6. Copies of this form are located:



COMPLETING A LIVING WILL

☐ **1. REVIEW THE VALUES SURVEY.**

On page 12 and 13 of this booklet.

☐ **2. COMPLETE THE MEDICAL SITUATION WORKSHEET, IF DESIRED.**

On pages 14-18 of this booklet.

☐ **3. TALK TO OTHERS.**

Ask your doctor for any medical information that you may need, find out if he or she supports your decision to complete an advance directive, and review your specific decisions in the medical situations with him or her. Talk with your family in detail about your values and beliefs. Review the values survey and medical situation worksheet with them. You might also want to talk with your spiritual leader for guidance and support.

☐ **4. COMPLETE THE LIVING WILL.**

Found on pages 30 and 31 of this booklet by following the instructions.

☐ **5. SIGN THE DOCUMENT, AND HAVE IT WITNESSED OR NOTARIZED.**

☐ **6. MAKE COPIES OF THE LIVING WILL.**

Make a copy for your doctor, your hospital, and your spiritual leader. Make sure each of these people receives a copy. You might also want to supply copies to your family and lawyer.

☐ **7. PLACE THE ORIGINAL DOCUMENT WHERE IT IS PROTECTED BUT NOT DIFFICULT TO FIND.**

Your family members may need to use the Living Will someday, so make sure they know where documents are stored. ***A lock box at the bank or in a safe is not a good place for this document,*** as family members may not know where to find the key or combination.

INSTRUCTIONS FOR THE LIVING WILL. *Please refer to the document starting on page 30 and fill it out as you read these instructions carefully.*

☐ **SECTION 1:**

The Declaration Relating to the Use of Life-Sustaining Procedures is the legal name given to the Living Will in Iowa.

☐ **SECTION 2:**

This statement says that if you are found to have a condition that will cause your death, you do not want your life lengthened by machines, drugs or other treatments. In Iowa law, two doctors must have examined you and certified in writing that you have a condition that will shortly result in death or permanent unconsciousness.

☐ **SECTION 3:**

This statement says that if you have a condition that will cause you to die soon, and you are also unable to make your own decisions due to unconsciousness or loss of ability to think and reason, you give your doctor permission to withhold (not start) or withdraw (stop) treatments that will only prolong dying. It is also clear in this statement that any treatments that make you more comfortable should not be stopped or avoided.

☐ **SECTION 4:**

There is a blank area provided for you to write in specific instructions. We recommend that you use the medical situation worksheets as a guide to record your preferences.

☐ **SECTION 5:**

Use this section if you wish to have the document notarized, rather than witnessed.

☐ **SECTION 6:**

You are the “Declarant.” Use this section if you prefer to have the document witnessed. You must complete either Section 5 or 6 for it to be legal. Two witnesses must sign your document, and must know who you are. The two witnesses must see you sign and watch each other sign. Make sure that only one of your witnesses is related to you, and that neither one is your doctor or an employee of your doctor, unless they are also your relative.

☐ **SECTION 7:**

Sign your name as you do for any legal document, then neatly type or print your name and address on the lines provided under your signature. 28



□ **SECTION 8:**

- a. *The Living Will you just signed does not take effect unless you have been diagnosed with a condition that will result in your death, or are in an irreversible coma **and** you are not capable of making decisions.*
- b. *Pain medications and feeding by mouth are not included in the definition of "life-sustaining" procedures (treatments that lengthen the process of dying), and therefore will still be given unless you write otherwise.*
- c. *It is **your responsibility** to make sure that your physician and hospital have a copy of your Living Will.*
- d. *You can cancel this Living Will at any time by telling (in any way that you can) your doctor or agent that it is no longer in effect, no matter what your condition.*

1. THE LIVING WILL OR DECLARATION RELATING TO THE USE OF LIFE-SUSTAINING PROCEDURES

2. **If I should have an incurable or irreversible condition that will cause my death** within a relatively short time, or am in a state of permanent unconsciousness from which, to a reasonable degree of medical certainty there can be no recovery, it is my desire that my life not be prolonged by administration of life-sustaining procedures.
3. **If my condition is terminal** and I am unable to participate in decisions regarding my medical treatment, I direct my attending physician to withhold or withdraw procedures that merely prolong the dying process and are not necessary to my comfort or freedom of pain.

4. **Other instructions:** _____

5. STATE OF IOWA_____, **COUNTY, ss:** _____

On this day of _____, 20____ before me,
the undersigned, a Notary Public in and for the State of Iowa,
personally appeared _____
to me known to be the person named in and who executed the
foregoing instrument, and acknowledged that (he) (she)
executed the same as (his) (her) voluntary act and deed.

Notary Public in Iowa



6. The declarant is known to me and voluntarily signed this document in my presence.

Witness (1) Signature

SIGNATURE

PRINT FIRST NAME MIDDLE INITIAL LAST NAME

STREET ADDRESS CITY STATE ZIP

Witness (2) Signature

SIGNATURE

PRINT FIRST NAME MIDDLE INITIAL LAST NAME

STREET ADDRESS CITY STATE ZIP

7. Signed this _____ day of _____, 20____

SIGNATURE

FIRST NAME MIDDLE INITIAL LAST NAME (TYPE OR PRINT)

STREET ADDRESS CITY STATE ZIP

8. Note, by Iowa law:

- a. *This Declaration will be given effect only when the declarant's condition is determined to be terminal and/or permanently unconscious and the declarant is not able to make treatment decisions.*
- b. *The provision of nourishment and the administration of any medical procedure deemed necessary to provide comfort care to alleviate pain are not considered life-sustaining procedures, unless otherwise noted in writing by the declarant.*
- c. *It is the responsibility of the declarant to provide the declarant's attending physician with this Declaration.*
- d. *This Declaration may be revoked in any manner by which the declarant is able to communicate the declarant's intent to revoke, without regard to mental or physical condition. A revocation is only effective as to the attending physician upon communication to such physician by the declarant, or by another to whom the revocation was communicated.*



STEP VI: ADDITIONAL INFORMATION

These are the kinds of questions your health care agent may wish to ask the doctors and nurses who are caring for you. Situations in which the Durable Power of Attorney for Health Care are used are almost always very stressful and difficult. Having a list of questions may give your agent the confidence and peace of mind he or she will need to make thoughtful decisions for you.

1. *What happens if we just do nothing?*
2. *What would you do, Doctor, if this was your (wife/husband, child, parent, friend)?*
3. *You have talked about a complicated treatment plan. Do I have to decide on the whole plan at once or are there separate parts you could tell me about?*
4. *Please tell me about all of the alternatives and options, one at a time.*
5. *What are the benefits of each of the alternatives?*
6. *What are the possible problems with each of the alternatives?*
7. *What are you hoping to accomplish by doing these treatments? Are you trying to delay death? Are you simply relieving pain?*
8. *Is there any hope of bringing the patient back to a healthy state?*
9. *Is this an emergency? Why? Do I have to decide right now or do I have time to think things over?*
10. *This is what I understand that you have said: Is that right?*
11. *Is this the easiest/most dignified/least painful way for (this person) to die under the circumstances?*



WALLET CARD

IMPORTANT NOTICE TO MEDICAL PERSONNEL

I have executed a Durable Power of Attorney for Health Care.

My agent is

AGENT'S NAME

AGENT'S ADDRESS

AGENT'S TELEPHONE NUMBER

He/she has a copy of my Durable Power of Attorney for Health Care and will make health care decisions for me if I am unable to do so.

DATE _____ SIGNATURE _____

FOLD HERE

IMPORTANT NOTICE TO MEDICAL PERSONNEL

I have executed a Living Will

I, _____
NAME

of _____
ADDRESS

have executed a Living Will in accordance with Iowa law. If the situation should arise in which I am terminally ill or permanently unconscious and there is no reasonable expectation of recovery, I wish to be allowed to die a natural death without life-sustaining measures. I do, however, wish to have my pain relieved with as much medication as is necessary, even if it indirectly shortens my life.