

NATIONAL HEALTHCARE DECISIONS DAY 2016

FLORIDAELDER.COM COMMUNITY EDUCATION SERIES

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WE ARE SO PLEASED THAT YOU CHOSE TO ATTEND AND LOOK FORWARD TO PRESENTING THIS MATERIAL TO YOU! THE SETTING IS INFORMAL AND RELAXED, SO FEEL FREE TO ASK QUESTIONS AND PARTICIPATE. THANK YOU, AGAIN.

WHAT IS NATIONAL HEALTHCARE DECISIONS DAY?

“WHAT’S THE BIG DEAL ABOUT ADVANCE DIRECTIVES?”

- www.nhdd.org
- Twitter @nhdd
- Healthcare/Legal/Religious
Communities Working Together
- Advance Care Planning Emphasis
- Professional & Consumer Audiences
- Consequences of “Not Deciding”

WHAT ARE FLORIDA ADVANCE HEALTH CARE DIRECTIVES?

ACCORDING TO THE FLORIDA STATUTES AND BEYOND

- FLORIDA STATUTES, CHAPTER 765
 - HEALTH CARE SURROGATE DESIGNATION
 - LIVING WILL
 - ANATOMICAL GIFT
- OTHER DIRECTIVES
 - HIPAA RELEASE
 - DNRO
 - PRENEED GUARDIAN DESIGNATION
 - DURABLE POWER OF ATTORNEY
 - POLST – Coming Soon?

APPLICABLE LAW AND AUTHORITIES

“WHERE DO ALL OF THESE COME FROM?”

- HCS, LW, ANATOMICAL GIFT:
 - F.S. Chap. 765
- HIPAA RELEASE: 42 U.S.C. § 1320d & 45 C.F.R. Parts 160 & 164
- DNRO: F.S. § 401.45(3)(a) & F.A.C. r. 64J-2.018
- PRENEED GUARDIAN DESIGNATION:
F.S. § 744.3045
- DURABLE POWER OF ATTORNEY:
 - F.S. Chap. 709, Part II

FLORIDA STATUTORY ADVANCE DIRECTIVES BASICS

WHAT THE LEGISLATURE HATH PROVIDED US

“HEALTH CARE DECISION” DEFINED UNDER FLORIDA STATUTES § 765.101

(6) “HEALTH CARE DECISION” MEANS:

(A) INFORMED CONSENT, REFUSAL OF CONSENT, OR WITHDRAWAL OF CONSENT TO ANY AND ALL HEALTH CARE, INCLUDING LIFE-PROLONGING PROCEDURES AND MENTAL HEALTH TREATMENT, UNLESS OTHERWISE STATED IN THE ADVANCE DIRECTIVES.

(B) THE DECISION TO APPLY FOR PRIVATE, PUBLIC, GOVERNMENT, OR VETERANS’ BENEFITS TO DEFRAY THE COST OF HEALTH CARE.

(C) THE RIGHT OF ACCESS TO ALL RECORDS OF THE PRINCIPAL REASONABLY NECESSARY FOR A HEALTH CARE SURROGATE TO MAKE DECISIONS INVOLVING HEALTH CARE AND TO APPLY FOR BENEFITS.

(D) THE DECISION TO MAKE AN ANATOMICAL GIFT PURSUANT TO PART V OF THIS CHAPTER.

“HEALTH INFORMATION” DEFINED UNDER FLORIDA STATUTES § 765.101

(9) “HEALTH INFORMATION” MEANS: ANY INFORMATION, WHETHER ORAL OR RECORDED IN ANY FORM OR MEDIUM, AS DEFINED IN 45 C.F.R. § 160.103 AND THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, 42 U.S.C. § 1320D, AS AMENDED, THAT:

(A) IS CREATED OR RECEIVED BY A HEALTH CARE PROVIDER, HEALTH CARE FACILITY, HEALTH PLAN, PUBLIC HEALTH AUTHORITY, EMPLOYER, LIFE INSURER, SCHOOL OR UNIVERSITY, OR HEALTH CARE CLEARINGHOUSE; AND

(B) RELATES TO THE PAST, PRESENT, OR FUTURE PHYSICAL OR MENTAL HEALTH OR CONDITION OF THE PRINCIPAL; THE PROVISION OF HEALTH CARE TO THE PRINCIPAL; OR THE PAST, PRESENT, OR FUTURE PAYMENT FOR THE PROVISION OF HEALTH CARE TO THE PRINCIPAL.

NOTE: THE 2015 LEGISLATIVE CHANGES TO F.S. CHAPTER 765 REFLECT A HUGE STEP TOWARDS ADDRESSING “HIPAA” PRIVACY CONCERNS & AUTHORITY IN HCS

FLORIDA HEALTH CARE SURROGATE ACT

- FLORIDA STATUTES CHAPTER 765, PART II, §§ 765.201 – 765.205
- AUTHORIZES A WRITTEN DESIGNATION OF SURROGATE TO MAKE HEALTH CARE DECISIONS FOR OR RECEIVE HEALTH INFORMATION ON BEHALF OF PRINCIPAL (“HCS”)
- EFFECTIVE 10/1/2015, YOU MAY SPECIFY THAT THE AUTHORITY GRANTED IS TO BE EFFECTIVE IMMEDIATELY, REGARDLESS OF INCAPACITY OR INCOMPETENT STATUS OF PRINCIPAL. HOWEVER, COMPETENT PRINCIPAL STILL TRUMPS IF FUNDAMENTAL CONFLICT.
- IF UNABLE TO SIGN, YOU MAY AUTHORIZE ANOTHER TO SIGN FOR YOU. REQUIRES 2 SUBSCRIBING ADULT WITNESSES, AT LEAST ONE OF WHOM IS NOT YOUR SPOUSE NOR A BLOOD RELATIVE. THE SURROGATE MAY NOT BE A WITNESS.
- YOU MAY NAME ONE OR MORE ALTERNATE SURROGATE(S)
- HEALTH CARE FACILITY MAY SEEK PROXY TO ACT IF NAMED SURROGATE AND ALTERNATE(S) ARE NOT REASONABLY AVAILABLE, WILLING, OR COMPETENT TO ACT
- MENTAL HEALTH TREATMENT SURROGATE AUTHORIZATION MAY BE SEPARATE OR EXPRESSLY INCLUDED AS PART OF HEALTH CARE SURROGATE DESIGNATION
- HEALTH CARE FACILITY CANNOT CONDITION ADMISSION OR TREATMENT UPON HAVING A HCS OR LW
- PRACTICAL AND LEGAL COORDINATION BETWEEN FLORIDA DURABLE POWER OF ATTORNEY AND FILED PRENEED GUARDIAN DESIGNATION HIGHLY RECOMMENDED
- PRINCIPAL MAY REVOKE, AMEND OR SUPERSEDE HCS IN LIKE FASHION

HEALTH CARE SURROGATE FOR MINOR

FLORIDA STATUTES § 765.2035

- SURROGATE DESIGNATION MAY BE MADE BY SIGNED WRITTEN DOCUMENT BY MINOR'S NATURAL GUARDIAN, LEGAL CUSTODIAN, OR LEGAL GUARDIAN
- MINOR'S PRINCIPAL MAY SIGN OR, IF UNABLE TO SIGN, MAY DESIGNATE ANOTHER TO SIGN IN PRESENCE OF TWO SUBSCRIBING ADULT WITNESSES; SURROGATE MAY NOT ACT AS A WITNESS
- ALTERNATE SURROGATE(S) MAY BE DESIGNATED
- SEPARATE SURROGATE MAY BE DESIGNATED FOR CONSENT TO MINOR'S MENTAL HEALTH TREATMENT, BUT ABSENT EXPRESS PROVISION TO THE CONTRARY HCS FOR MINOR IS ASSUMED BY COURT TO HAVE THAT AUTHORITY TOO
- ABSENT A SPECIFIED TERMINATION DATE, DESIGNATION REMAINS IN EFFECT UNTIL REVOKED BY MINOR'S PRINCIPAL
- DESIGNATION MAY BE VALID EVEN IF MADE PRIOR TO THE BIRTH OF THE MINOR
- COMPLIANT HCS FOR MINOR IS ESTABLISHES A REBUTTABLE PRESUMPTION OF CLEAR AND CONVINCING EVIDENCE OF MINOR'S PRINCIPAL'S DESIGNATION OF SURROGATE AND BECOMES EFFECTIVE UNDER F.S. § 743.0645(2)(A)

LIFE-PROLONGING PROCEDURE ACT OF FLORIDA (“LIVING WILL”); F.S. CHAP. 735, PT. III

WHAT IS A LIVING WILL?

- WRITTEN DECLARATION DIRECTING THE PROVIDING, WITHHOLDING, OR WITHDRAWAL OF LIFE-PROLONGING PROCEDURES IN THE EVENT THAT SUCH PERSON HAS A TERMINAL CONDITION, HAS AN END-STAGE CONDITION, OR IS IN A PERSISTENT VEGETATIVE STATE
- STATUTORY FORM PROVIDED
- ADDITIONS PERMITTED
- MAY DEFAULT TO HCS IN ABSENCE OF LIVING WILL

REQUIREMENTS:

- SIMILAR TO HCS REQUIREMENTS
- SURROGATE NOT REQUIRED; BUT IS RECOMMENDED
- YOU OR SOMEONE FOR YOU MUST NOTIFY OF EXISTENCE
- LIVING WILL = REBUTTABLE PRESUMPTION OF CLEAR & CONVINCING EVIDENCE OF YOUR WISHES
- MAY NOT BE A CONDITION OF ADMISSION OR TREATMENT
- MAY REVOKE, AMEND OR SUPERSEDE IN LIKE FASHION

ABSENCE OF ADVANCE DIRECTIVE

- FLORIDA STATUTES CHAPTER 765, PART IV
- “PROXY” UNDER F.S. § 765.401
 - GUARDIAN, SPOUSE, ADULT CHILD (OR MAJORITY), PARENT, ADULT SIBLING (OR MAJORITY), “SPECIAL” ADULT RELATIVE, CLOSE FRIEND, THEN LICENSED CLINICAL SOCIAL WORKER
 - DECISION BASED ON PROXY’S INFORMED CONSENT AND ON THE DECISION THE PROXY REASONABLY BELIEVES THE PATIENT WOULD HAVE MADE UNDER THE CIRCUMSTANCES
 - IF NO INDICATION AS TO THE LATTER, PROXY MAY CONSIDER THE PATIENT’S BEST INTEREST IN DECIDING THAT PROPOSED TREATMENTS ARE TO BE WITHHELD OR THAT TREATMENTS CURRENTLY IN EFFECT ARE TO BE WITHDRAWN
- MEDICAL ETHICS COMMITTEE OR STATUTORY ALTERNATIVE APPLIES IF NO PROXY IS AVAILABLE AND A PERSISTENT VEGETATIVE STATE EXISTS
- GREATER POTENTIAL FOR LITIGATION ABSENT LIVING WILL, HCS DESIGNATION OR SPECIFIC EXPANDED DPOA HEALTH CARE DECISION MAKING AUTHORITY

ADDITIONAL PROXY DECISION REQUIREMENTS

F.S. § 765.401(3):

BEFORE EXERCISING THE INCAPACITATED PATIENT'S RIGHTS TO SELECT OR DECLINE HEALTH CARE, THE PROXY MUST COMPLY WITH THE PROVISIONS OF §§ 765.205 AND 765.305, EXCEPT THAT A PROXY'S DECISION TO WITHHOLD OR WITHDRAW LIFE-PROLONGING PROCEDURES MUST BE SUPPORTED BY CLEAR AND CONVINCING EVIDENCE THAT THE DECISION WOULD HAVE BEEN THE ONE THE PATIENT WOULD HAVE CHOSEN HAD THE PATIENT BEEN COMPETENT OR, IF THERE IS NO INDICATION OF WHAT THE PATIENT WOULD HAVE CHOSEN, THAT THE DECISION IS IN THE PATIENT'S BEST INTEREST.

ANATOMICAL GIFTS IN FLORIDA

AUTHORIZATION

- GIFT OF ALL OR PART OF BODY POST-MORTEM
- DONEE MAY BE NAMED
- FLEXIBLE AND VARIED OPTIONS
- PUBLIC POLICY IS VERY MUCH PRO-GIFT

IMPLEMENTATION

- UNIFORM DONOR CARD
- ONLINE REGISTRATION
- DRIVER'S LICENSE
- LIVING WILL OR HCS
- LAST WILL & TESTAMENT
- OTHER

HIPAA (GENERAL MEDICAL) RELEASE

EXPANDING PRACTICAL ACCESS TO "PHI" TO FAMILIES

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (“HIPAA”) BASICS

- HIPAA PRIVACY RULE BECAME EFFECTIVE IN 2003/2004
- HIPAA PRIVACY RULE PROTECTS PATIENT’S PROTECTED HEALTH INFORMATION (“PHI”) FROM BEING RELEASED EXCEPT AS AUTHORIZED BY LAW
- WRITTEN RELEASE NEEDED TO EVIDENCE PATIENT CONSENT TO CERTAIN PHI DISCLOSURES
- DOCUMENTATION OF AUTHORIZED RELEASE OF INFORMATION INSULATES PHYSICIAN OR HEALTH CARE PROVIDER FROM EXPOSURE FOR VIOLATING HIPAA PRIVACY RULE
- HIPAA RELEASE SEEKS TO AUTHORIZE TIME OF NEED AND POST-MORTEM PHI DISCLOSURE TO PATIENT’S NAMED FAMILY MEMBERS AND/OR INNER CIRCLE
- POST-MORTEM RELEASES TO FAMILY NOW MORE RELAXED UNDER AMENDED REGULATIONS (2013)
- GOAL: AVOID UNNECESSARY FORMALITIES FOR REASONABLE PHI DISCLOSURES PRIOR TO & AFTER DEATH, AS EXPRESSLY AUTHORIZED BY THE PATIENT/CLIENT

FLORIDA DO NOT RESUSCITATE ORDER

HOW TO ENSURE YOU ARE NOT RESUSCITATED?

OVERVIEW OF DNRO BASICS AND IN ACTION

AUTHORIZATION

- **STATUTE & RULE**
- **EMS FUNCTION**
- **FL HEALTH DEPT
FORM 1896 (YELLOW)**
- **DOCTOR'S SIGNATURE**
- **PATIENT OR AGENT'S
SIGNATURE**

IMPLEMENTATION

- **MUST BE ON REQUIRED
YELLOW FORM**
- **NOTICE REQUIRED TO EMS**
- **ATTORNEYS CANNOT
IMPLEMENT W/O DOCTOR**
- **CONSISTENT WITH LIVING
WILL AND PALLIATIVE CARE**
- **NOT MERCY KILLING,
EUTHANASIA OR SUICIDE**
- **DNRO MAY BE REVOKED BY
PATIENT OR AGENT**

FLORIDA PRENEED GUARDIAN DESIGNATION

WHO DO YOU WANT AS YOUR APPOINTED GUARDIAN?

FLORIDA GUARDIANSHIP BASICS – F.S. CH. 744

- GUARDIAN OF THE PROPERTY (COMPARES TO DURABLE POWER OF ATTORNEY)
- GUARDIAN OF THE PERSON (COMPARES TO HCS, LW, AND HIPAA RELEASE)
- F.S. § 744.3115 ... IF ANY ADVANCE DIRECTIVE EXISTS, THE COURT SHALL SPECIFY IN ITS ORDER AND LETTERS OF GUARDIANSHIP WHAT AUTHORITY, IF ANY, THE GUARDIAN SHALL EXERCISE OVER THE WARD WITH REGARD TO HEALTH CARE DECISIONS AND WHAT AUTHORITY, IF ANY, THE SURROGATE SHALL CONTINUE TO EXERCISE OVER THE WARD WITH REGARD TO HEALTH CARE DECISIONS. PURSUANT TO THE GROUNDS LISTED IN § 765.105, THE COURT, UPON ITS OWN MOTION, MAY, WITH NOTICE TO THE SURROGATE AND ANY OTHER APPROPRIATE PARTIES, MODIFY OR REVOKE THE AUTHORITY OF THE SURROGATE TO MAKE HEALTH CARE DECISIONS FOR THE WARD....
- F.S. § 744.3045 ALLOWS FOR PRENEED GUARDIAN DESIGNATION
- F.S. § 744.312(1) IF THE PERSON DESIGNATED IS QUALIFIED TO SERVE ..., THE COURT SHALL APPOINT ANY STANDBY GUARDIAN OR PRENEED GUARDIAN, UNLESS THE COURT DETERMINES THAT APPOINTING SUCH PERSON IS CONTRARY TO THE BEST INTERESTS OF THE WARD.
- LETTERS OF GUARDIANSHIP OR LETTERS OF EMERGENCY TEMPORARY GUARDIANSHIP ARE ISSUED BY PROBATE COURT (CIRCUIT JUDGE)
- NOTE: SEE F.S. § 744.3046 FOR PRENEED GUARDIAN OF MINOR DESIGNATION (DEPOSITED) AND F.S. § 744.304 FOR STANDBY GUARDIAN OF A MINOR (HEARING).

FLORIDA STATUTES § 765.105

REVIEW OF SURROGATE OR PROXY'S DECISION—[EXCEPT FOR A NON-INCAPACITATED PATIENT WHO DESIGNATED AN IMMEDIATELY EFFECTIVE SURROGATE TO MAKE HEALTH CARE DECISIONS +/OR RECEIVE HEALTH INFORMATION]:

- (1) THE PATIENT'S FAMILY, THE HEALTH CARE FACILITY, OR THE PRIMARY PHYSICIAN, OR ANY OTHER INTERESTED PERSON WHO MAY REASONABLY BE EXPECTED TO BE DIRECTLY AFFECTED BY THE SURROGATE OR PROXY'S DECISION CONCERNING ANY HEALTH CARE DECISION MAY SEEK EXPEDITED JUDICIAL INTERVENTION PURSUANT TO RULE 5.900 OF THE FLORIDA PROBATE RULES, IF THAT PERSON BELIEVES:
 - (A) THE SURROGATE OR PROXY'S DECISION IS NOT IN ACCORD WITH THE PATIENT'S KNOWN DESIRES OR THIS CHAPTER;
 - (B) THE ADVANCE DIRECTIVE IS AMBIGUOUS, OR THE PATIENT HAS CHANGED HIS OR HER MIND AFTER EXECUTION OF THE ADVANCE DIRECTIVE;
 - (C) THE SURROGATE OR PROXY WAS IMPROPERLY DESIGNATED OR APPOINTED, OR THE DESIGNATION OF THE SURROGATE IS NO LONGER EFFECTIVE OR HAS BEEN REVOKED;
 - (D) THE SURROGATE OR PROXY HAS FAILED TO DISCHARGE DUTIES, OR INCAPACITY OR ILLNESS RENDERS THE SURROGATE OR PROXY INCAPABLE OF DISCHARGING DUTIES;
 - (E) THE SURROGATE OR PROXY HAS ABUSED HIS OR HER POWERS; OR
 - (F) THE PATIENT HAS SUFFICIENT CAPACITY TO MAKE HIS OR HER OWN HEALTH CARE DECISIONS.

FLORIDA DURABLE POWER OF ATTORNEY

WHO DO YOU TRUST? WHAT DO YOU AUTHORIZE?

FLORIDA DURABLE POWER OF ATTORNEY

AUTHORITY & GOALS

- F.S. CHAP. 709, PART II
- SUPERPOWERS RE GIFTING, TRUSTS, BENEFICIARIES & SURVIVORS, WAIVING RIGHTS UNDER RET. PLANS & IRAS, AND DISCLAIMERS
- IMMEDIATELY EFFECTIVE
- APPLIES TO DPOA AGENT ACTIONS & TO NEWLY SIGNED DPOAS (10/1/2011 OR LATER)
- MAY EXPRESSLY PROVIDE FOR PLANNING SCENARIOS
- TENSION: EMPOWER AGENT; PROTECT PRINCIPAL

APPLICATION

- POTENTIALLY MOST POWERFUL PLANNING DOCUMENT
- POWER TO PAY IS THE POWER TO COORDINATE
- MAY BE REVOKED
- SUSPENDED BY INCAPACITY COURT FILING IN MOST CASES UNDER 2015 LEGISLATION
- DPOA IS LESS RESTRICTIVE THAN GUARDIANSHIP
- CAUTION: POWERFUL LEGAL MEDICINE. TAKE CARE!
- VITAL FOR MOST VA & LTC ELIGIBILITY PLANNING

PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT PARADIGM®

TAKING THE GUESS WORK OUT OF HCS APPLICATION?

PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT PARADIGM® (“POLST”) BASICS

- POLST ORIGINATED IN OREGON (1991). LEGISLATION ADOPTED IN 26 STATES.
- SOME PREFER “PHYSICIAN’S ORDER FOR SCOPE OF TREATMENT” (“POST”) OR EVEN “MEDICAL ORDER FOR SCOPE OF TREATMENT” (“MOST”). NY: “MOLST.”
- DOCUMENTATION RESULTING FROM PHYSICIAN AND PATIENT SPECIFYING DOCTOR’S RECOMMENDATIONS BASED ON PATIENT’S WISHES AND VALUES
- SHARED PREPARATION CONTAINING DIAGNOSIS, PROGNOSIS, AND SPECIFIC PERSONALIZED TREATMENT PLAN FOR FRAIL OR SERIOUSLY ILL PATIENT
- COMPLIMENTS ADVANCE DIRECTIVES FOR THE FRAIL & SERIOUSLY ILL
- BOTH “DO NOT ATTEMPT CPR” (DNRO) & “ATTEMPT CPR” OPTIONS ARE AVAILABLE
- CONTRASTS WITH DEATH WITH DIGNITY (“DWD”) LEGISLATION; POLST: “HOW I WANT TO LIVE AND BE CARED FOR” VS. DWD: “DELIBERATELY ENDING LIFE”
- FLORIDA HAS NOT ADOPTED POLST BY STATUTE, WITH PROPOSED POLST LEGISLATION SPONSORED BY SEN. BRANDES FAILING TWICE TO DATE; IS 2017 THE YEAR FOR FL?
- FLORIDA AGENCIES SUCH AS CENTER FOR INNOVATIVE COLLABORATION IN MEDICINE AND LAW AT FSU COLLEGE OF MEDICINE HAVE BEEN USING POLST NONETHELESS
- COMPARE EMPATH CHOICES FOR CARE F/K/A PROJECT GRACE AT SUNCOAST HOSPICE

PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT PARADIGM[®] (“POLST”) BASICS

Key Comparison of Advance Directives and POLST Paradigm Forms*

	Advance Directives	POLST Paradigm Forms
Population:	All adults	Serious illness or frailty
Timeframe:	Future care/ future conditions	Current care/current condition
Where completed:	Any setting, not necessarily medical	Medical setting
Resulting product:	Surrogate appointment & statement of preferences	Medical orders based on shared decision-making
Surrogate role:	Cannot Complete	Can consent if patient lacks capacity [‡]
Portability:	Patient/family responsibility	Health Care Professional responsibility
Periodic review:	Patient/family responsibility	Provider responsibility to initiate

*2014 NPPTF POLST Legislative Guide, p. 8, adapted from: Bomba, P.A., Kemp, M. and Black, J.S. POLST: An improvement over traditional advance directives. [Cleveland Clinic Journal of Medicine](#). July 2012, Vol. 79, Issue 7, p. 4 57 – 64.

‡Authority for surrogates to consent to a POLST form varies by state. 2014 NPPTF POLST Legislative Guide, fn. 4, see *Issues 6 and 7*.

LEGAL AND POLITICAL HISTORY

“NOBODY’S RIGHT IF EVERYBODY’S WRONG”

NOTABLE LEGAL & POLITICAL DEVELOPMENTS

- 1967 CHICAGO ATTORNEY LOUIS KUTNER PROPOSES FIRST LIVING WILL
- 1968 & 1973 DR. WALTER F. SACKETT UNSUCCESSFULLY INTRODUCES FL LEGS.
- 1974 CALIFORNIA CONSIDERS AND BY 1976 ADOPTS FIRST LIVING WILL LEGS.
- THEREAFTER OTHER STATES FOLLOW WITH THEIR OWN LIVING WILL LEGISLATION
- 1976 KAREN ANN QUINLAN CASE 355 A.2d 647 (NJ SUP. CT.)
- 1989 WONS CASE 541 So.2d 96 (FL SUP. CT.)
- 1990 NANCY BETH CRUZAN CASE 497 U.S. 261 (MO. COURTS & U.S. SUP. CT.)
- 1990 ESTELLE M. BROWNING CASE 568 So.2d 4 (FL SUP. CT.)
- 1990 THE PATIENT SELF-DETERMINATION ACT 42 U.S.C. §§ 1395, *et seq.*
- 1997 GLUCKSBERG 521 U.S. 702 & QUILL 521 U.S. 793 CASES (U.S. SUP. CT.)
- 2001 – 2005 TERRI SCHIAVO CASES 403 F.3d 1289 (FL COURTS & FEDERAL COURTS)
- 2003 INITIAL HIPAA PRIVACY RULE 45 CFR Part 160 & Subparts A and E of Part 164

Sources: Attorney Elliot S. Schlissel; *Health Law – Cases, Materials and Problems*, Furrow et al.; and other publicly available resources and legally cited and reported materials.

CONSUMER AND PUBLIC AWARENESS RESOURCES

EQUIPPING AND EMPOWERING USE OF ADVANCE DIRECTIVES

FLORIDA CONSUMER RESOURCES

- Florida Statutory Living Will and Health Care Surrogate Forms (handouts)
- <http://www.floridahealthfinder.gov/reports-guides/advance-directives.aspx>
- http://www.americanbar.org/groups/law_aging/resources/health_care_decision_making/consumer_s_toolkit_for_health_care_advance_planning.html
- <http://www.agingwithdignity.org/>
- <http://www.caringinfo.org/i4a/pages/index.cfm?pageid=3277>
- <http://www.aarp.org/home-family/caregiving/qa-tool/>
- <http://www.nhdd.org/public-resources#where-can-i-get-an-advance-directive>
- <http://liv-will1.uslivingwillregistry.com/forms.html>
- <https://www.legaldirectives.com/index.php>
- <https://www.donatelifeflorida.org/register/>
- <http://www.coastalhealth.org/forms/DNRO-form.pdf>
- <http://www.med.fsu.edu/?page=innovativeCollaboration.POLST>

PERSONAL PLANNING ASSESSMENT

MAKING IT REAL AND MAKING IT WORK FOR YOU!

PERSONAL PLANNING ASSESSMENT

EXISTING

- DO YOU HAVE ADVANCE DIRECTIVE PLANNING IN PLACE?
- DO THE OTHER ADULT MEMBERS OF YOUR FAMILY HAVE ADVANCE DIRECTIVE PLANNING IN PLACE?

UPDATED

- HEALTH CARE SURROGATE DESIGNATION
- LIVING WILL
- HIPAA RELEASE
- DPOA, PNG & OTHER
- LEGAL DIRECTIVES ENROLLMENT

THANK YOU FOR YOUR ATTENDANCE & ATTENTION

FOLLOW UP OPPORTUNITIES AVAILABLE AFTER PROGRAM

OUR ATTORNEYS AND STAFF:

PICTURED NEXT SLIDE: RENEE SCHEETZ, OFFICE MANAGER & REGISTERED PARALEGAL; PAULA EMERY, MARKETING MANAGER & EXECUTIVE ASSISTANT; ANDREW P. WILLIAMS, PH.D., PUBLIC RELATIONS & SOCIAL MEDIA MANAGER; ALISON HICKMAN, J.D., ATTORNEY; GRADY WILLIAMS, LL.M., MANAGING ATTORNEY; DONNA SAYERS, PARALEGAL; AND JULIA FAULKNER, LEGAL ASSISTANT

