

## ARIZONA STATE LAW ON ADVANCED DIRECTIVES DECISIONS ABOUT YOUR HEALTHCARE

### *How you can plan for the future with living wills and other health care directives.*

You are getting this information about your rights to make or control your own health care decisions because of a 1991 federal law. We hope this information will help you. A description of this health care organization's policies about your rights to make health care decisions will be given to you along with this information. You are also encouraged to talk with your family, your doctor and anyone else who could assist you in these matters.

**Q.** Who makes your health care decisions?

**A.** You do, if you can make and communicate them. Your doctors should tell you about the treatment they recommend, other reasonable alternatives and important medical risks and benefits of the treatment and alternatives. You have the right to decide what health care, if any, you will accept.

**Q.** What happens if you become unable to make or communicate your health care decisions?

**A.** You can still have some control over your health care decisions, if you have planned ahead. One way to plan ahead is by making a health care directive which names someone to make these decisions for you, or which guides or controls these decisions. If you have not named someone in a health care directive, your doctors must seek a person authorized by law to make these decisions. A person who makes health care decisions for you is called a surrogate.

**Q.** What is a health care directive?

**A.** It is a written statement about how you want your health care decisions made. Under Arizona law, there are common types of health care directives. They are:

1. A living will, which is a written statement about health care you want or do not want that is followed if you cannot make your own health care decisions. For example, a living will can state your life support wishes if you are unconscious and unlikely to recover.
2. A pre-hospital medical care directive, which is a directive refusing certain life saving emergency care given outside of or inside a hospital emergency room. To make one, you must complete a special form.

These directives used separately or together, can help you say "yes" to treatment you want and "no" to treatment you do not want.

**Q.** Must your health care directives be followed?

**A.** Yes. Both health care providers and surrogates must follow valid health care directives.

**Q.** Can you be required to make a health care directive?

**A.** No. Whether you make a health care directive is entirely up to you. A health care provider can not refuse care based on whether or not you have a health care directive.

**Q.** Can you change or revoke health care directives?

**A.** Yes. If you change or revoke a health care directive, you should notify everyone who has a copy.

**Q.** Who can legally make health care decisions for you if you are unable to make your own decisions and if you have not made a health care power of attorney?

**A.** A court may appoint a guardian to make health care decisions for you. Otherwise, your health care provider must go down the following list to find a surrogate to make your health care decisions for you:

1. Your spouse, unless you are legally separated.
2. Your adult child-if you have more than one adult child, a majority of those who are available.
3. Your mother or father.
4. Your domestic partner, unless someone else has financial responsibility for you.
5. Your brother or sister.
6. A close friend of yours (someone who shows special concern for you and is familiar with your health care views).

If your health care provider can not find an available and willing surrogate to make health care decisions for you, then your doctor can decide with the advice of an ethics committee or, if this is not possible, with the approval of another doctor.

You can keep anyone from becoming your surrogate by saying, preferably in writing, that you do not want that person to make health care decisions for you.

A surrogate will not have the right to refuse the use of tubes to give you food or fluids unless:

1. You have appointed that surrogate to make health care decisions for you in health care power of attorney; or,
2. A court has appointed that surrogate as your guardian to make health care decisions for you; or,
3. You have stated in a health care directive that you do not want this specific treatment.