

CLINICAL POLICY AND PROCEDURE MANUAL

SECTION: 600 Medical Records
TITLE: **ADVANCE DIRECTIVES**

Dept: NYU at Trinity Center Procedure Suite	Policy Number: 600.A.1
Pages: 1 of 4	Effective Date: 12-01-08
Approved: Ira Cliff Schulman, M.D.	Revision Date:

PURPOSE:

To provide an atmosphere of respect and caring and to ensure that each patient's ability and right to participate in medical decision making is maximized and not compromised. Additionally, the purpose of this policy is to assure compliance with the Patient Self-Determination Act (PSDA) in such a manner as to expand the patient, personnel and community knowledge base regarding advance directives and the process by which patient participation in medical decision making is carried out at this facility.

GENERAL POLICY:

NYU at Trinity Center recognizes and respects the right of all of its patients to participate in the course of their healthcare treatment and to have their wishes honored in the event that they become incapacitated. NYU supports and protects the rights of patients of its patients to formulate written or oral instructions regarding their health care. Patients will be encouraged and assisted to be active participants in the decision making process regarding their care through education, inquiry and assistance as requested. Patients will be encouraged to communicate their desires in regard to advance directives to their significant others, to allow for guidance of significant others and healthcare providers in following the patient's wishes should the patient become incapacitated, rendering them unable to make decisions. The existence of an advance directive, or lack thereof, will **not** determine the patient's access to care, treatment and services.

DEFINITIONS:

Advance Directive: a type of written or oral instructions relating to the provision of healthcare when an adult becomes incapacitated including, but not limited to, a healthcare proxy, a consent for an order not to resuscitate (DNR) and a living will.

Healthcare Proxy: a document created pursuant to Article 29-C of the Public Health Law which delegates the authority to another adult known as the healthcare agent to make healthcare decisions on behalf of the adult when that adult is incapacitated.

Do Not Resuscitate Order: A DNR order means specifically that IF **cardiac and/or respiratory arrest** occurs — that is, if a person stops breathing AND/OR his/her heart stops beating — THEN cardiopulmonary resuscitation (CPR) will **not** be performed to revive the person. However, if the person is not in cardiac or respiratory arrest, appropriate medical treatment for all injuries, pain, difficult or insufficient breathing, hemorrhage and/or other medical conditions must be provided.

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Living Will: a document which contains specific instructions concerning an adult's wishes about the type of health care choices and treatments that an adult does or does not want to receive, but which does not designate an agent to make health care decisions. A living will may be considered clear and convincing evidence of a patient's wishes.

In an advance directive (or medical power of attorney), the patient may provide guidance as to his/her wishes in certain situations, or may delegate decision making to another individual as permitted by state law.

If such an individual has been selected by the patient, or if a person willing and able under applicable state law is available to make treatment decisions, relevant information should be provided to the representative so that informed healthcare decisions can be made for the patient.

However, as soon as the patient is able to be informed of his/her rights, this facility shall provide that information to the patient.

PROCEDURE:

1. An inquiry will be made by the Registration Department during the admissions process of the patient, or if the patient is incapacitated, to the patient's significant other, as to whether or not the patient has completed an advance directive. NYU at Trinity Center shall not condition the provision of care or otherwise discriminate against any individual based on whether or not the individual has executed an advance directive.
2. A request of the patient/significant other to provide a copy of the advance directive for medical record entry will be made by the Registration Department during the admission process.
3. As part of the intake process the patient/significant other will be provided with an information packet outlining the individual's rights to make decisions concerning medical care. The information packet provided will include:
 - a. The right to accept or refuse medical or surgical treatment, even if the treatment is life-sustaining

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- b. The facility's mission and value statements and policies regarding refusal of medical treatment, including life-sustaining measures
- c. That the existence of an advance directive, or lack thereof, will not determine the patient's right to care, treatment or services
- d. Policy regarding the patient's right to voice a complaint related to advance directive requirements to the State Department of Health Services
- e. Contact personnel available to assist those interested in pursuing the advance directive issue
- f. Each patient who requests information on advance directives will be provided with the following written materials, or links to the following:
 - The New York State Department of Health Information statement entitled "Advance Care Planning; Compassion and Support at the End of Life." This booklet also contains the New York Living Will and the New York Health Care Proxy form.

http://www.compassionandsupport.org/pdfs/about/advance_care_planning.pdf
 - A copy of the pamphlet prepared by the New York State Department of Health entitled "Health Care Proxy; Appointing Your Healthcare Agent", containing a sample healthcare proxy form.

<http://www.health.state.ny.us/forms/doh-1430.pdf>
 - A copy of the New York State Bar Association pamphlet on establishing a Living Will:

<http://www.nysba.org/AM/Template.cfm?Section=Home&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=13826>
 - A copy of the New York State pamphlet "Non-Hospital DNR" which contains information on how to implement and rescind a Do Not Resuscitate order:

<http://www.health.state.ny.us/publications/0702.pdf>

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4. Registration Department personnel will document in the medical record whether the patient has completed an advance directive and that information concerning advance directives has been given to the patient/significant other during the admission process.

REFERENCES:

New York State Resources:

http://health.state.ny.us/professionals/patients/health_care_proxy/index.htm (Health Care Proxy)

<http://www.health.state.ny.us/publications/4182/index.htm> (DNR information)

http://www.health.state.ny.us/forms/doh_3474.pdf (DNR physician form)

NYU Hospital Centers Policy:

http://nyumc.net/nyu/policies/content/assets/Policies%2003%20-%20Hospital%20and%20Patient%20Care/3-02e%20Advanced_Directives.pdf