

## Since CHI Health is a Catholic healthcare organization, will my doctors be able to honor my Advance Directives?

As a Catholic healthcare organization, CHI Health is obligated to follow the Ethical and Religious Directives for Catholic Healthcare Services (the “ERDs”). The ERDs are a series of directives developed by the United States Conference of Catholic Bishops to guide healthcare in a way that is aligned with Catholic teachings. The development of Advance Directives is addressed in the ERDs as follows:

*Directive #27: In compliance with federal law, a Catholic health care institution will make available to patients information about their rights, under the laws of their state, to make an advance directive for their medical treatment. The institution, however, will not honor an advance directive that is contrary to Catholic teaching. If the advance directive conflicts with Catholic teaching, an explanation should be provided as to why the directive cannot be honored.*

## Will I still receive medication for pain and other symptoms if my Advance Directives documents are on my medical record?

Unless your Advance Directives documents state that you prefer otherwise, your doctors and other healthcare providers will continue to give you appropriate medical treatment to address your pain and other symptoms, and to keep you comfortable.

## Can I change my Advance Directives documents once they are completed if my healthcare and treatment preferences change?

You can change your Advance Directives documents any time your healthcare and treatment preferences change by updating your current documents or completing new ones. Remember to give copies of your updated or new Advance Directives documents to your doctor or other healthcare providers and your surrogate decision-maker(s).

## Can I revoke, or cancel, my Advance Directives documents?

You can revoke (or cancel) your Advance Directives at times outlined in the laws of the state in which you live.

Iowa Residents: You can revoke your Living Will and Durable Power of Attorney for Healthcare at any time regardless of your decision-making capacity\*, by telling your doctor or other healthcare provider and surrogate decision-maker(s) verbally or in writing.

Nebraska Residents: You can revoke your Durable Power of Attorney for Healthcare only when you have decision-making capacity, and in any manner by which you are able to communicate your intent to revoke the Durable Power of Attorney for Healthcare. You can revoke your Living Will Declaration at any time regardless of your decision-making capacity or physical condition.\*

*\*The CHI Health Advance Directives documents give you the option of indicating that you want to be able to revoke your Advance Directives documents only when you have decision-making capacity.*

## What if I spend a significant amount of time living in another state?

Since state laws differ, if you live part-time in another state, you may want to consider completing Advance Directives documents that meet that state’s legal requirements. Check with your healthcare providers in that state for more information.

## Do I need a lawyer to prepare my Advance Directives documents?

There are no legal requirements in Iowa or Nebraska that say you need a lawyer to prepare your Advance Directives documents. You do not need to consult with a lawyer to complete the Advance Directives documents included in this booklet, as long as they are signed by you, and are witnessed or notarized appropriately. Some people do find a lawyer helpful, however and if you have any legal questions or concerns, you should contact your lawyer.

## Who can serve as a witness for me as I sign my Advance Directives documents?

The laws vary from state to state regarding who can serve as the witnesses to your signature on your Advance Directives documents. The CHI Health Advance Directive Documents include detailed information about who can and cannot serve as a witness.

You may prefer to have these documents notarized by an official Notary instead of having them signed by two witnesses.

Be sure you do not sign your Advance Directives documents until you are in the presence of your witnesses or a notary.

## Definitions

### Life-Sustaining Treatment

(As defined by Iowa and Nebraska State Law) Life-sustaining treatment is defined as any medical procedure, treatment, or intervention that uses mechanical or other artificial means to sustain, restore, or supplant a spontaneous vital function and when applied to a person with a terminal condition or who is in a persistent vegetative state, serves only to prolong the dying process.

### Terminal Condition

(As defined by Iowa and Nebraska State Law) A terminal condition is defined as an incurable or irreversible condition that, without the administration of life-sustaining procedures, will result in death within a relatively short period of time; or a state of permanent unconsciousness from which, to a reasonable degree of medical certainty, there can be no recovery.

### Persistent Vegetative State

(As defined by Nebraska State Law) A persistent vegetative state is a medical condition caused by illness, injury or disease characterized by a total and irreversible loss of consciousness and the capacity for cognitive interaction with the environment. The patient is totally unaware of himself or herself, his or her surroundings, and to a reasonable degree of medical certainty, there can be no recovery.



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## Advance Directives Frequently Asked Questions



1-800-253-4368  
CHIhealth.com

Contact the CHI Health Ethics Center if you have additional questions about Advance Directives

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Alegent Creighton Health  
is now CHI Health.

## What are “Advance Directives” documents?

Advance Directives documents are:

- » Legal papers you can fill out to make your preferences about your healthcare and treatment needs known to others if you cannot make decisions on your own.
- » They are called “Advance Directives,” because they are filled out in advance of a time when you could not make your own decisions.
- » They allow you to give directions about your future healthcare and treatment.

## Do I need to fill out Advance Directives documents to get medical care?

No. You do not need to complete Advance Directives documents to get medical care. Completing Advance Directives documents before you get medical care can help the healthcare team know how to treat you in the future.

## Who can fill out Advance Directives documents?

Any adult or emancipated minor with decision-making capacity can fill out Advance Directives documents.

- » If you live in Iowa, “adult” means you are at least 18 years old.
- » If you live in Nebraska, “adult” means you are at least 19 years old or have been married.

## What kind of information is included in Advance Directives documents?

Advance Directives documents often include information about your healthcare and treatment preferences, and about who you would like to make healthcare and treatment decisions on your behalf if you are not able to make decisions for yourself. Sometimes Advance Directives documents include information about things that give you comfort and about preferences for your care, particularly at the end of your life.

## Three common types of information included in Advance Directives documents are:

**Durable Power of Attorney for Healthcare:** Information about who you want to make healthcare and treatment decisions on your behalf when you cannot make them yourself. This person is known as your surrogate decision-maker (or your “Attorney-in-Fact”).

**Durable Power of Attorney for Mental Healthcare:** Information about who you want to make decisions on your behalf specifically for your mental healthcare and treatment needs. Generally, if you do not name someone to make decisions specifically for your mental healthcare and treatment needs, the person(s) named as your surrogate decision-maker(s) for your general healthcare and treatment needs can make these decisions on your behalf.

**Living Will Declaration:** Information about your preferences for life-sustaining (or life-prolonging) treatments and end-of-life care if you have a terminal condition, or are in a persistent vegetative or state of permanent unconsciousness from which you will not likely recover.

## Who can I name to be my surrogate decision-maker(s)?

You can name anyone you would like to be your surrogate decision-maker(s) (sometimes called your “Attorney-in-Fact”, your “proxy decision-maker”, or your “substitute decision-maker”), as long as that person does not meet the exclusion criteria set forth by state law. Your surrogate decision-maker does not have to be a lawyer.

Nebraska and Iowa residents can name anyone as a surrogate decision-maker except persons described by the exclusion criteria below:

## For Nebraska residents completing Advance Directives:

- » A non-relative owner or operator of a community care facility where you are a patient or resident cannot be named as your surrogate decision-maker(s) (your “Attorney-in-Fact”).
- » A non-relative who, at the time you complete your Advance Directives documents, is currently serving as

a surrogate decision-maker(s) (your “Attorney-in-Fact”) for ten or more people cannot be named as your surrogate decision-maker(s) (your “Attorney-in-Fact”).

## For both Iowa and Nebraska residents

- » Your treating healthcare provider cannot be named as your surrogate decision-maker(s) (your “Attorney-in-Fact”).
- » A non-relative employee of your treating healthcare provider or the facility where you receive care cannot be named as your surrogate decision-maker(s) (your “Attorney-in-Fact”).

## Who makes decisions on my behalf if I do not name a surrogate decision-maker(s) in my Advance Directives document?

If you do not specifically name a surrogate decision-maker(s) in your Advance Directives document, your doctors and other healthcare providers will look to the following to make decisions regarding your healthcare:

- » Your spouse
- » Your adult children (collectively)
- » Your parents
- » Your siblings
- » Your next closest relative

If you would like to give someone other than the person highest on this list the legal right to make decisions on your behalf, you can name that person as your surrogate decision-maker(s) in your Advance Directives document.

## When will my surrogate decision-maker(s) make healthcare and treatment decisions on my behalf?

Unless you state otherwise, your surrogate decision-maker(s) will only make healthcare and treatment decisions on your behalf when it has been determined that you cannot make these decisions for yourself.

## When do Advance Directives go into effect?

The preferences you make known in your Advance Directives documents take effect either on a specific date noted in your Advance Directives, or when your doctor has determined that you are unable to make your own healthcare decisions and/or do not have the capacity to make decisions for yourself.

In addition, according to Iowa and Nebraska law, a Living Will Declaration shall not take effect until:

- 1) Your doctor or healthcare provider has a copy of your Living Will Declaration;
- 2) Your doctor has determined that you are in a terminal condition, or in a persistent vegetative state or state of permanent unconsciousness, and the use of life-sustaining procedures will only prolong your death;
- 3) Your doctor has concluded that you are no longer able to make your own healthcare decisions; and
- 4) Your doctor has notified your surrogate decision-maker(s), your guardian, or a reasonably available member of your immediate family of his/her intent to put into effect the preferences you have stated in your Living Will Declaration.

In Nebraska and Iowa, a Living Will Declaration cannot go into effect if a woman is pregnant and it is probable that the fetus will develop to the point of live birth with the continued application of life-sustaining treatment for the woman.

## How will my doctor or other healthcare providers and my surrogate decision-maker(s) know about my Advance Directives documents and honor my healthcare and treatment preferences?

It is your responsibility to give a copy of your Advance Directives documents to your doctors and surrogate decision-maker(s), so they can know about and honor your healthcare and treatment preferences. It is also your responsibility to talk with your doctors and surrogate decision-maker(s) about the information in your Advance Directives documents, including

your personal values, beliefs and preferences. The information and forms in this booklet will help with these conversations.

## Who determines if I am able to make my own healthcare decisions?

Your doctors and other healthcare providers will determine if you are able to understand and make healthcare decisions. They will then record this information in your medical record. This is called “determining your decision-making capacity”. If they determine that you do not have decision-making capacity, your surrogate decision-maker(s) can begin making decisions on your behalf.

If there is disagreement between your healthcare providers about your decision-making capacity, they may consult with a psychiatrist or other professional for assistance. In some cases it is necessary to have a judge determine your capacity to make your own decisions.

## How do I know my healthcare and treatment preferences included in my Advance Directives documents will be honored?

Your doctors or other healthcare providers and surrogate decision-makers will do their best to follow the preferences included in your Advance Directives documents. If your preferences cannot be followed, your healthcare team will explore other options with you or your surrogate decision-maker(s), including transferring your care to another provider or healthcare organization. Reasons your Advance Directives may not be followed include:

- » Risk of harm to you or to others
- » Organizational resource limitations
- » Legal or ethical concerns