

Advance Directives

What are advance directives?

All adults in hospitals, nursing centers, and other health care settings have certain rights. For instance, you have the right to have your personal and medical records kept private. You have the right to know what treatment you will get. Under federal law, you have the right to fill out an Advance Directive. Advance Directives are written documents that let you decide and put into writing what kind of treatment you want or do not want, and any actions you want carried out if you are too sick to make decisions about your health care. It is our policy to let all adult UnitedHealthcare Community Plan members know that they can prepare these documents. The federal law on Advance Directives requires hospitals, nursing centers and other health care providers to give you information about Advance Directives. The information will explain your legal choices in making decisions about medical care. The law was written to increase your control over medical treatment decisions.

Advance Directives are written documents that give you the chance to decide and put into writing what kind of treatment you want or do not want, and any actions you want carried out if you become too sick to make decisions about your health care.

How do I get an advance directive?

Contact your PCP or call Member Services at **1-888-887-9003**. Call **TDD/TTY: 711**, for hearing impaired.

Who has the right to make health care decisions?

You do, if you are an adult and able to let providers know of your health care decisions. You decide what health care, if any, you will not accept.

What if I become unable to make or let providers know of my health care decisions?

You can still have some control over these decisions if you have signed an Advance Directive. Your PCP must include in your medical record whether you have signed an Advance Directive. If you have not named someone in your Advance Directive, your doctor must seek a person authorized by law to make these decisions.

What if I am too sick to make a decision about my medical care?

You can still have some control over these decisions if you have signed an Advance Directive. Your PCP must include in your medical record whether you have signed an Advance Directive. If you have not named someone in your Advance Directive, your doctor must seek a person authorized by law to make these decisions.

What are my options for making an advance directive?

Under Texas law, you can make the following directives:

1. **A Durable Power of Attorney for Health Care** — a written document giving the designated person the power to act in your place and make decisions on your health care. Your Durable Health Care Power of Attorney will also include any details or guidance about health care you want or do not want. This could include withholding or withdrawing procedures if you are in a “terminal condition.” A “terminal condition” is when a patient cannot be cured and will die without life-sustaining procedures. (Two doctors must state this in writing.) A patient is also in a “terminal condition” if that patient is in a permanent vegetative state or an irreversible coma.
2. **A Living Will** — a written statement about health care you want or do not want if you cannot make these decisions. For example, a Living Will can say whether you would want to be fed through a tube if you were unconscious and not likely to recover. A Living Will directs doctors to withhold/withdraw or continue life-sustaining procedures if you are in a “terminal condition.” You can also tell doctors whether to use other life-sustaining procedures.

Must my advance directive be followed?

Yes. Your PCP, other health providers and the person you name in your directive must follow your Advance Directive.

Must a lawyer prepare my advance directive?

No. There are local and national groups that will give you facts on Advance Directives, including forms.

Be sure any Advance Directive you use is valid under Texas law.

Who should have a copy of my advance directive?

Give a copy of your Advance Directive to your PCP and to any health care center on admission. If you have a Durable Power of Attorney for Health Care, give a copy to the person you have named on it.

You should also keep extra copies for yourself.

Do I have to make an advance directive?

No. Whether you make an Advance Directive is up to you. A health care provider cannot refuse care based on whether you have an Advanced Directive or not.

Can I change or cancel my advance directive?

Yes. If you change or cancel your Advance Directive, let anyone who has a copy of it know.

What if I already have an advance directive?

You might want to review it or have it reviewed. If it has been prepared in another state, make sure it is valid under Texas law.

Who can legally make health care decisions for me if I cannot make those decisions and I have no advance directive?

A court might appoint a guardian to make health care decisions for you. Otherwise, your PCP must go down the following list to find someone else to make health care decisions for you:

1. Your husband or wife, unless you are legally separated.
2. Your adult child. If you have more than one adult child, a majority of them.
3. Your mother or father.
4. Your brother or sister.

If your PCP cannot find a person able to make health care decisions for you, then he or she can decide on your care. Your PCP can do this with the advice of an ethics committee, or the approval of another doctor.

You can make sure your wishes are honored by putting them in writing. The person you name in your Advance Directive will not have the right to refuse life-sustaining procedures, such as the use of tubes to give you food or fluids unless:

- a. You have appointed that person to make health care decisions for you in a Durable Power of Attorney for Health Care.
- b. A court has appointed that person as your guardian to make health care decisions for you.
- c. You have stated in an Advance Directive that you do not want this specific treatment.

If you need any help in learning about Advance Directives, or to order a copy of a Living Will, call Member Services at **1-888-887-9003**.