

Where Can I Get More Information About Advance Directives?

Lawyers, Doctors, Hospitals and Clinics may have information about advance directives. You may also contact your County Medical Society, your County Bar Attorney Association or your County Board of Social Services.

On the internet, the New Jersey Department of Health has many sources for information about advance directives.

The New Jersey Department of Health advance directive page:

<https://www.state.nj.us/health/advancedirective/>

The New Jersey Commission on Legal and Ethical Problems in the Delivery of Health Care prepared a booklet that is available online at:

https://www.state.nj.us/health/advancedirective/documents/proxy_directive.pdf

https://www.state.nj.us/health/advancedirective/documents/instruction_directive.pdf

Disclaimer: This is a brief summary of information regarding advance directives and POLST. The Office of the State Long Term Care Ombudsman (LTCO) has prepared this information to help further the discussion surrounding end-of-life care and advance directives. LTCO investigates allegations of abuse and exploitation of individuals 60 or over, living in licensed long-term facilities.



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Complaints

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***In an emergency, please call 911.
The LTCO is not a first responder.***

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ADVANCE DIRECTIVES and POLST



Planning for end-of-life care is important to ensure that your medical preferences are properly carried out by your health care provider. The use of advance directives and other proxy forms takes the burden of decision making away from your family and doctor. Proper end-of-life planning ensures that you are making decisions about your own life and your own health care.

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What is an Advance Directive?

An advance directive is a legal document that you can complete on your own, but must follow legal guidelines to be valid, that can help ensure that your preferences for various medical treatments are followed if you become unable to make your own health care decisions. Your advance directive only goes into effect if your physician has evaluated you and determined that you are unable to understand your diagnosis, and the possible benefits and/or harms of the available treatment options.

New Jersey has two kinds of advance directives, a “proxy directive” and an “instruction directive.” It is your decision whether to have both kinds or to just have one of them:

- **PROXY DIRECTIVE** (Durable Power of Attorney for Health care) A proxy directive is a document you use to appoint a person to make health care decisions for you in the event you become unable to make them yourself.
- **INSTRUCTION DIRECTIVE** (Living Will) An instruction directive is a document you use to tell your physician and family about the kinds of situations you would want or not want to have life-sustaining treatment in the event you are unable to make your own health care decisions.



POLST

POLST – Physician/Practitioner Orders for Life-Sustaining Treatment – is a health care planning tool that empowers individuals to work closely with their medical team to detail their personal goals and medical preferences when facing a serious illness and/or end-of-life planning. POLST complements an advance directive and does not totally replace the document. You may still need an advance directive to appoint a legal health care proxy/agent.

The POLST form is designed to be completed jointly by an individual and a physician or advance practice nurse, expressing the individual's goals of care and medical preferences. Unlike an advance directive, a completed POLST form is an actual medical order that becomes a part of the individual's medical record. It also is valid in all health care settings.

On the internet, the New Jersey Hospital Association has many sources for information about POLST.

The New Jersey Hospital Association POLST page:

- <http://www.njha.com/polst/>

Who Should Prepare an Advance Directive?

Anyone who is over the age of 18 and understands the document can prepare an advance directive. You may want to consider preparing an advance directive if:

- You want your doctor or other health care provider to know the kind of medical care you want or don't want, in the event that you become unable to speak for yourself.
- You want to relieve your family of the responsibility for making decisions about your medical care, including clinical treatment.

Advance directives are not only for the elderly or people with chronic illnesses. In fact, young, healthy people may sustain injuries as a result of accidents that can make them temporarily or permanently unable to speak for themselves.

Is Making an Advance Directive Complicated?

Deciding what health care services you want may be complicated, but making an advance directive is not. All that is required to prepare a valid document is:

- That it be in writing;
- That it be signed by you;
- That your signature be witnessed by two adult witnesses (over 18) or by a Notary Public or other legal official (like a New Jersey attorney or judge).

You don't need a lawyer to prepare an advance directive. It can be as simple as a letter stating your health care wishes, or naming the person you trust to make health care decisions for you.

It is very important, if you choose to name a trusted friend as a proxy/agent to make decisions for you when you no longer can, that you inform that person, and discuss your desires and values with him or her. The whole idea of an advance directive is to assure that your wishes will be honored.