



Advance Directives

Deciding today about your care in the future

Competent adults have the right to refuse or accept medical treatment after their providers have told them about the procedures and risks. Competent adults also have the right through written statements and documents to make their treatment preferences known before needing the treatment and to appoint someone to make treatment decisions for them when they cannot.

Advance directives communicate your medical treatment decisions. The following summarizes Iowa law and answers questions about advance directives. This also provides information about do not resuscitate (DNR) orders and the Iowa Physician Orders for Scope of Treatment (IPOST).

These are important personal health care decisions that require careful consideration. You should talk to your medical provider about the effects of withholding or withdrawing different treatments. You also should discuss your decisions with your family, friends, health care providers and other advisers, such as spiritual or legal. Although it isn't necessary to consult an attorney for your advance directive to be legally binding, it is often helpful. Only DNRs and IPOSTs require your physician's signature.

What is an advance directive?

This document states your health care choices or names someone to make the choices for you if you cannot do so. Iowa law provides two types of advance directives:

- Declaration Relating to the Use of Life Sustaining Procedures, known as a "living will."
- Durable power of attorney for health care.

Can others make health care decisions for me without a living will or durable power of attorney for health care?

Yes. Others (agents) will make health care decisions for you with your physician if you do not have an advance directive and cannot make decisions. Your intentions should guide these decision-makers, but you have greater assurance they will carry out your wishes with a living will or durable power of attorney for health care.

What if a physician is unwilling to comply with my advance directives?

If your physician or administrator of the health care facility will not comply with the wishes of your living will or those made by your agent, they must take reasonable steps to arrange to transfer you to another physician or facility willing to carry out your wishes.

Living wills

What is a living will?

This is a document directing your physician to withhold or withdraw certain life-sustaining procedures if you are in a terminal condition and cannot decide for yourself.

What is a life-sustaining procedure?

This is a mechanical or artificial means that sustains, restores or supplants a vital body function and would only prolong the dying process for a terminal patient. A mechanical respirator is an example.

Iowa's living will law doesn't permit withholding or withdrawing food or water unless provided by feeding tube or intravenous feeding. Medicine or medical procedures necessary to provide comfort or ease pain are not life-sustaining procedures. Providers will not withhold these under a living will.

What is a terminal condition?

This is an irreversible condition that, without life-sustaining procedures, will result in death in a brief time or permanent unconsciousness from which there is no recovery. The attending physician must make the determination of terminal condition after consultation with another physician.

When does a living will take effect?

It takes effect only when you have a terminal condition and cannot make decisions.

Note: If you completed your living will before April 23, 1992, it may not allow for withdrawal or withholding of intravenous feeding or feeding tubes and may not apply if you are not about to die but are in a permanent state of unconsciousness with no hope of recovery. It will only apply to those situations if you specifically state it should. Ask your attorney for advice about completing a new living will.

Durable power of attorney for health care

What is a durable power of attorney for health care?

This is a document to name another person (known as your "attorney in fact" or "agent") to make health care decisions for you if you cannot make them. This agent must make decisions detailed in the document. Your agent will make decisions in your best interest if your wishes are not known.

How does a durable power of attorney for health care differ from a living will?

Both documents apply only when you cannot make health care decisions:

- A living will directs your physician to withhold or withdraw life-sustaining procedures if you are in a terminal condition.
- A durable power of attorney for health care lets you name an agent to make health care decisions according to your wishes. You may specify the health care treatments you want or don't want. It's not restricted to terminal conditions or decisions about life-sustaining procedures.

Who should I name to be my agent?

The person you name in a durable power of attorney for health care should be someone you trust and has consented to function as your agent.

The law does not allow your agent to be your physician, nurse or other person providing health care to you on the date you signed the durable power of attorney for health care. The law also excludes any employee of your physician and a nurse at any hospital or health care facility providing care to you on the date you signed the durable power of attorney for health care unless that employee is a close relative.

What if my agent cannot serve?

It is advisable to name an alternate agent in case the person you appointed cannot or will not act on your behalf.

What decisions can my agent make?

Your agent can make any health care decision you could make about treatment of your physical or mental condition. Your agent must make decisions according to your wishes. You can limit the scope of your agent's authority.

Can my agent consent to withholding or withdrawing nutrition or water?

Yes. Your agent may make decisions about whether to withhold or withdraw a feeding tube or intravenous feeding.

How will my agent know my wishes?

It is important to discuss your wishes with the person who will be your agent. You also may state your wishes on the durable power of attorney for health care form. Your agent must act in your best interest, considering your condition and prognosis, if he or she doesn't know your wishes.

Completing the documents

Should I have both a living will and a durable power of attorney for health care?

That depends. Through a durable power of attorney for health care, your agent can make all your health care decisions, including decisions covered by a living will.

If you know you want life-sustaining procedures withheld or withdrawn when you are in a terminal condition, you also may want to sign a living will because it provides direction to your physician, and you will not have to rely on an agent to communicate those wishes.

Talk to your physician or attorney if you are uncertain about which documents are best for you.

Where can I get living will or durable power of attorney for health care forms?

Visit the Iowa State Bar Association's website, www.iowabar.org. Free single copies are also available by completing the form below and sending it and a stamped, self-addressed business-sized envelope, to: Iowa State Bar Association, 625 E. Court Ave., Des Moines, Iowa 50309.

How do I implement a durable power of attorney for health care or living will?

The Iowa State Bar Association forms contain explicit instructions about how to implement these advance directives. The requirements for a living will and a durable power of attorney for health care are the same.

You must first complete the effective date on your form. Then, either have two people over age 18 witness your signature and sign the witness form or use a notary. Witnesses are not necessary if you use a notary.

Witnesses cannot be your agent, someone treating you as a patient or an employee of anyone treating you. At least one of the witnesses must not be related to you by blood, marriage or adoption.

What should I do with these documents?

Put the original in a safe accessible place. Provide copies to family members and, if you've executed a durable power of attorney for health care, to the appointed agent and alternates. Give a copy to your primary physician and any health care professional providing you with treatment. It also would be appropriate to take copies of your advance directives with you when you are checking into a health care facility for any procedure. You also may wish to file a copy with your hospital if it accepts forms for filing.

What if I change my mind?

You may change or revoke these documents anytime despite your mental or physical condition. Preferably, you should sign and date changes and give copies to your physician, family, appointed agent and other appropriate people. Although Iowa law doesn't require you to revoke either document in writing, you must inform your physician or medical provider.

Does an advance directive affect my ability to obtain insurance or health care services?

An advance directive does not affect or modify your life insurance terms. Health care providers (including nursing homes) and insurers cannot require you to have an advance directive.

What if I have advance directives not prepared according to Iowa law or using the Iowa State Bar Association's forms?

Most states have rules about what is a valid advance directive. If you plan to spend time in another state, you may want to execute advance directives in compliance with that state's laws.

Contact your attorney to avoid potential problems if you want to execute advance directives in more than one state. It is your responsibility to ensure you complete your advance directive according to Iowa law.

You should sign Iowa forms to avoid confusion if you didn't complete your advance directive according to Iowa law. Although not required, you should use the Iowa State Bar Association form.

Other options

Although advance directives are for use by competent adults despite their medical statuses, Iowa law also recognizes other tools to direct medical treatment for people facing end-of-life decisions or with life-limiting conditions. These other tools are the out-of-hospital do not resuscitate (DNR) order and Iowa Physician Orders for Scope of Treatment (IPOST).

What is a DNR order?

It's important to talk to your family and physician about your resuscitation desires even if you have a living will or durable power of attorney for health care. For example, if you are terminally ill, you should ensure your physician knows whether to resuscitate you if your heart or breathing stops. If appropriate, your physician may enter a DNR order, which instructs caregivers (including emergency medical services) to not revive you if your heart or breathing stops. Although health care providers do not perform life-saving efforts on DNR patients, they keep them as comfortable and pain-free as possible.

Health care facilities keep DNR orders in patients' charts. Your physician also may order an out-of-hospital DNR for an adult with a terminal condition so your DNR wishes apply outside the health care facility. Patients with out-of-hospital DNRs wear a special identifier so providers immediately know patients have DNR orders, even when they are outside a health care facility.

Talk to your physician if you have questions about DNR orders.

What is IPOST?

IPOST is a form that consolidates and summarizes a patient's preferences for life-sustaining treatments including cardiopulmonary resuscitation, general scope of treatment, and artificial nutrition and hydration. For each type of treatment, the patient may refuse treatment, request full treatment or specify limitations. You can find this form on the Iowa Department of Public Health's website, <https://idph.iowa.gov/ipost/form>.

An IPOST is for patients who are frail and elderly or have a chronic, critical medical condition or terminal illness. The patient or patient's agent completes the form with the patient's health care provider who can explain what each of the choices means for the patient at that time. The patient or the patient's agent and the patient's provider sign the form. A signed IPOST is a medical order set, not an advance directive. The IPOST form stays with the patient.

As a legally recognized, portable medical order set, IPOST may be honored in any Iowa health care setting including hospitals, clinics, nursing facilities, assisted living residences, hospices or homes. The form's continuity and portability allow for more seamless communication about treatment preferences from setting to setting.

IPOST does not replace or revoke advance directives. You should continually review and update your advance directives based on changing conditions, and your IPOST should be consistent with your advance directives. Advance directives overrule IPOST if there is a direct conflict.

Talk to your medical provider if you have questions about IPOST. You must determine whether other states' laws will honor your IPOST if you receive treatment out of state. Iowa law recognizes IPOSTs executed in other states.

Can I change my mind about a DNR order or preferences indicated in my IPOST?

Yes, you may revoke a DNR order or IPOST anytime and in any way you can communicate, despite your medical or physical condition. You must inform your physician or medical provider.

This information is subject to revision as the laws change. Direct specific questions to your physician or attorney.



CUT ALONG THIS DOTTED LINE

To receive durable power of attorney for health care and living will forms, send this completed form and a self-addressed, stamped envelope to:

**IOWA STATE BAR ASSOCIATION
625 E. COURT AVENUE
DES MOINES, IA 50309**

Name

Date of Birth

Address

City, State, ZIP