

## 5.4 Advance Directives/Health Care Proxy

All members, including Healthfirst members, have the right to make decisions about the amount and type of care that they will receive, including care if they are terminally ill. A terminal illness is defined as any illness that is likely to result in the death of a person within six months. Through the use of written Advance Directives, a Healthfirst member can ensure their wishes are known and followed in the event that they cannot make decisions for themselves.

Healthfirst members have the right to appoint a healthcare agent through a Health Care Proxy (Appendix VI). A Health Care Proxy is a formal document enabling a member to designate a trusted individual to make healthcare decisions on his/her behalf if the member is unable to make decisions themselves. All competent adults can appoint a healthcare agent by signing a Health Care Proxy form. A lawyer is not required, but two witnesses must be present and must also sign the form. Members who have questions or would like additional information on these issues should be directed to the Member Services department.

A Living Will allows the member to define his/her wishes about the type and amount of care that will be provided or withheld at the end of life. Examples of the types of care that may be addressed in a Living Will include the use of ventilators, intubations, and other life-saving procedures, as well as the areas of nutrition and hydration therapy.

Inpatient facilities must determine if a member has executed an Advance Directive or that the member is aware of the possibility of doing so. If the member has completed a Health Care Proxy, a copy should be kept in the member's inpatient chart or medical record, or the name, address, and phone number of the healthcare agent should be documented in the member's inpatient medical records. It must be clearly documented in the inpatient medical record that the member has executed an Advance Directive.

Copies of both forms can be found in the Member Handbook.

Providers must document in all Healthfirst Medicare member medical records that there was a discussion about Advance Directives and a Health Care Proxy, and the documentation must be updated annually. If the member is hospitalized at the time, the documentation can include that the member was given the information about Advance Directives in the hospital.

If the facility feels that it is unable to adhere to the member's wishes, the hospital should notify the member of this fact and recommend that he/she contact the Member Services department. Otherwise, Healthfirst expects the facility to adhere to the member's wishes as determined by the chosen healthcare agent.