

FROM STATE SENATOR JAKE CORMAN



Legislative UPDATE

◆ REPORTING ON LIVING WILL LAW ◆

Dear Friend:

Pennsylvania recently passed a new Advanced Directives Law, clarifying terminal patients' rights and health-care decision protocols.

The changes give strength to living wills, establish duties for patient-designated health-care agents and set up a priority list for representatives to be named for patients who do not have written directives.

A key part of the law requires the state Health Department to enact rules for physician orders for life-sustaining treatment. The orders are required to follow a patient throughout the continuum of care – ensuring the patient's wishes are followed no matter where he or she is transferred.

Another key change strengthens the health-care power of attorney, in which an agent is appointed to make end-of-life decisions for the patient.

For those without an appointed agent, the law prioritizes representatives, beginning with a spouse or adult child of another relationship and concluding with a close friend.

The new Advanced Directives Law will help Pennsylvanians make educated decisions about the type of health care they or a loved one receives. Included in this mailer is information on the new law. To obtain a copy of a sample living will and health-care power of attorney, please visit my website at www.jakecorman.com or contact my offices, which are listed on the back. If after reading the brochure you require further information, please contact your physician or attorney for advice.

Sincerely,


Senator Jake Corman

◆ *What is an advanced directive?*

An advanced directive is a living will, health-care power of attorney, or a written combination of a living will and health-care power of attorney. The individual executing an advanced directive is called the "principal."

◆ *What is a living will?*

A writing that expresses the principal's wishes and provides instructions for health care if and when the principal is determined to be incompetent and has an end-stage medical condition or is permanently unconscious. A living will is often used to indicate the principal's wishes regarding the use of life sustaining treatment.

◆ *What is a health-care power of attorney?*

A writing that designates a health-care agent to make health-care decisions for the principal. The health-care power of attorney may specify what decisions the agent is to make under what circumstances.

◆ *Who may execute an advanced directive?*

An individual who is 18 years of age or older, has graduated from high school, has married, or is an emancipated minor. The individual or another individual at the principal's direction on his/her behalf must sign the document. Two witnesses who are 18 years of age or older must also sign the document.

◆ *When does an advanced directive become operative?*

In the case of a living will, when a copy is provided to the attending physician and the principal is determined by the attending physician to be incompetent and to have an end-stage medical condition or to be permanently unconscious. In the case of a health-care power of attorney, when a copy is provided to the attending physician and the attending physician determines that the principal is incompetent.

◆ *Is an advanced directive forever?*

Unless a living will states a time of termination, it is valid until revoked by the principal, notwithstanding the lapse of time since its execution. Unless a health-care power of attorney states a time of termination, it is valid until revoked by the principal or the principal's guardian of the person, notwithstanding the lapse of time since its execution.

◆ *What constitutes life-sustaining treatment?*

Life-sustaining treatment is defined as any medical procedure that only serves to prolong the process of dying or to maintain the patient in a state of permanent unconsciousness. An individual's advanced directive may be very specific, if that is the individual's desire, in describing and instructing the attending physician to initiate, continue, withhold or withdraw particular life-sustaining medical procedures. The withholding or withdrawing of medical treatment is not considered suicide or homicide under the law.

◆ *What happens if the person has not executed an advanced directive?*

In lieu of an advanced directive, the law directs a physician to consult with a family member or other individual close to the patient to make health-care decisions for the person. The law provides for a prioritized list of who should be consulted beginning with a spouse, adult child and concluding with a close friend.

◆ *What is an out-of-hospital do-not-resuscitate order?*

An order issued by the attending physician directing emergency medical services providers to withhold cardiopulmonary resuscitation from the patient in the event of respiratory or cardiac arrest. The law provides for necklaces or bracelets which may be worn at the patient's option to notify emergency medical services providers of the presence of an order.

Senator Jake Corman **34th District**

236 Match Factory Place, Bellefonte, PA 16823
(814) 355-0477 • FAX (814) 355-6046

31 W. Third Street, Lewistown, PA 17044
(717) 242-2410 • FAX (717) 242-4775

7 W. Main Street, P.O. Box 329
New Bloomfield, PA 17068
(717) 582-4600 • FAX (717) 582-7391

Senate Box 203034, Harrisburg, PA 17120-3034
(717) 787-1377 • FAX (717) 772-3146

Toll Free (800) 828-7300
TTY (800) 364-1581

Website: www.jakecorman.com