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As part of the admission process, MCMC staff will ask you, and document in your record, whether you have executed an advance directive. If an advance directive has been executed MCMC will need to obtain a copy and make it part of your medical record.

Per the New Mexico Uniform Healthcare Decision Act A health-care provider may decline to comply with an individual instruction or health-care decision for reasons of conscience. A health-care institution may decline to comply with an individual instruction or health-care decision if the instruction or decision is contrary to a policy of the health-care institution that is expressly based on reasons of conscience and if the policy was timely communicated to the patient or to a person then authorized to make health-care decisions for the patient.

A health-care provider or health-care institution may decline to comply with an individual instruction or healthcare decision that requires medically ineffective healthcare or healthcare contrary to generally accepted health-care standards applicable to the health-care provider or health-care institution Medically ineffective healthcare" means treatment that

would not offer the patient any significant benefit, as determined by a physician.

If the provider/facility declines to comply with an individual instruction or health-care decision, they shall promptly inform the patient, if possible, and any person then authorized to make health-care decisions for the patient; they shall provide continuing care to the patient until a transfer can be arranged and unless the patient or person then authorized to make health-care decisions for the patient refuses assistance, immediately make all reasonable efforts to assist in the transfer of the patient to another health-care provider or facility that is willing to comply with the instruction or decision.

Complaints concerning the advance directive requirements may be filed with the State survey and certification agency, Department of Health @ 1-800-752-8649; DHI Complaint Unit, PO Box 26110, Santa Fe, NM 87505. If you have questions or need clarification please call your case worker or social worker .

# WHAT ARE ADVANCE DIRECTIVES?



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Advance directives are documents written in advance of serious illness that state your choices about medical treatment or name someone to make choices about medical treatment if you become unable to make decisions. Through advance directives such as living wills and durable powers of attorney for healthcare, you can make legally valid decisions about future medical treatment. Advance directives protect your rights to refuse medical care you do not want and to request treatment you do want, in the event you lose the ability to make decisions yourself.

You have the right to formulate advance directives and to have MCMC implement and comply with your advance directives.

Before your living will can guide medical decision-making, two physicians must certify that:

- ◆ You no longer have the ability to understand the nature and consequences of proposed healthcare
- ◆ You are unable to make and communicate an informed health-care decision
- ◆ You are in the medical condition specified in the state's living will law (such as terminally ill" or "permanently unconscious")

- ◆ Other requirements may also apply, depending upon the state

A medical power of attorney allows you to appoint a person you trust (your agent) to make decisions about your healthcare, including life support, if you can no longer speak for yourself. This applies anytime you are unable to make your own healthcare decisions, not only at the end of life.

Before a medical power of attorney goes into effect a person's physician must conclude that they are unable to make their own medical decisions. In addition:

- ◆ If a person regains the ability to make decisions, the agent cannot continue to act on the person's behalf.
- ◆ Many states have additional requirements that apply only to decisions about life-sustaining medical treatments. It's advisable to know your state's requirements.

A healthcare facility cannot condition the provision of care or discriminate against an individual based on whether or not the individual has executed an advance directive.

### **What Else Do I Need To Know?**

Advance directives are legally valid throughout the United States. While you do not need a lawyer to fill out an advance directive, your advance directive becomes legally valid as soon as you sign them in front of the required witnesses. The laws governing advance directives vary from state to state, so it is important to complete and sign advance directives that comply with your state's law. State laws vary one from another so it is advisable that you spend significant amounts of time in various states, you familiarize yourself with their laws and act appropriately

Advance directives do not expire. An advance directive remains in effect until you change it. If you complete a new advance directive it invalidates the previous one.

You should review your advance directives periodically to ensure that they still reflect your wishes. If you want to change anything in an advance directive once you have completed it, you should complete an entirely new document.