



Physicians

Myths about Advance Directives

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Written advance directives are legal in every state; however, laws of each state can vary widely. You can find information at <http://www.choices.org/ad.html>.

There are two types of advance directives:

Health care power of attorney (aka: durable power of attorney for health care) – a document in which the patient appoints someone to make decisions about his/her medical care if he/she cannot make those decisions and a **Living will** – a written document in which the patient's wishes regarding the administration of medical treatment are described if the patient becomes unable to communicate at the end of life.

Fast Facts and Concepts: Myths about Advance Directives.

- **Myth 1:** *There is only one type of power of attorney.* **False** – there is a durable power of attorney for health care decisions and a power of attorney for financial matters. These are typically separate legal documents, but can be combined into one.
- **Myth 2:** *It is not appropriate to begin advance directive planning on an outpatient basis.* **False** – studies show that patients want their doctors to discuss advance care planning with them before they become ill.
- **Myth 3:** *An advance directive means "don't treat".* **False** – Advance directives do not say; "don't treat me". They say; "Treat me the way I want to be treated.
- **Myth 4:** *Once a person names a proxy in an advance directive they lose control of their own care.* **False** – As long as a person retains decision making capacity he/she retains the control of their medical destiny.
- **Myth 5:** *A lawyer is required to complete an advance directive.* **False** – a lawyer may be helpful, but not required. Check your state for the number of witnesses or need for a notary public seal.
- **Myth 6:** *Physicians and other health care providers are not legally obligated to follow advance directives.* **False** – Physicians as well as other care providers ARE obligated to follow advance directives.
- **Myth 7:** *Advance directives are legal tools for old people.* **False** – the stakes may actually be higher for younger people if tragedy strikes.
- **Myth 8:** *The Physician can be named agent in a durable power of attorney for health care document.* **False** – no member of the health care team can be the agent named by the patient in a durable power of attorney for health care document.

HospiceCare of Boulder and Broomfield Counties is hosting in conjunction with the Hospice Foundation of America a National Bereavement Teleconference, Wednesday, April 20, 2005, 11a.m. – 2 p.m. at the Boulder Public Library, Boulder, CO. Call 303.449.7740, for more information.

References: Aitkin PV, American Family Physician 1999;59(3):605-612 (SUPPORT), JAMA 1995;274:1591-1598. Sabatino CP, <http://www.abanet.org/elderly/myths/html>; *10 Legal Myths About Advance Directives*. End-of-Life Physician Education Resource Center. www.eperc.mcw.edu.