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Advance Directives in Kansas

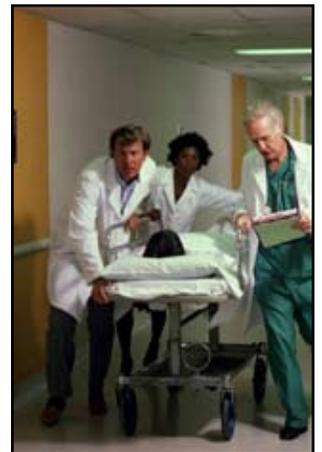
This edition of *Age Buzz* provides a brief overview of three types of advance directives in Kansas: the durable power of attorney for health care, the living will, and the do not resuscitate directive. Individuals interested in this topic are encouraged to gather more information on this complex yet important subject. Here are five ideas that you might consider:

- 1) Attend a *Legally Secure Your Financial Future* workshop (coming to participating KSRE county offices in 2008-2009)
- 2) Attend other educational sessions on advance directives in your local community (check with your local hospital, health department, or other social service agency)

- 3) Visit the resources listed in this newsletter
- 4) Obtain copies of the KSRE fact sheets on this topic (publications from Kansas State University are available on the World Wide Web at: www.oznet.ksu.edu)
- 5) Visit the KSRE web site at www.aging.ksu.edu

What are Advance Directives?

Advance directives are written documents that allow you to state how you want to be cared for at the end of your life. This is important in case you are not able to tell people what you want because of sickness or injury. Family, friends, and health care professionals can use the advance directives to carry out your wishes in case of terminal illness or an emergency. Three types of advance directives are the durable power of attorney for health care, the living will, and the do not resuscitate directive.



Advance directives can be changed at any time, and should be reviewed and updated periodically.

INSIDE THIS ISSUE

- 1 Advance Directives in Kansas
What are Advance Directives?
- 3 How Do I Complete an Advance Directive?
- 4 Where Can I Go For More Help?
Program on Advance Directives Coming Soon!
New Health Resources Available
- 5 References



A man should not leave this earth with unfinished business. He should live each

day as if it was a pre-flight check. He should ask each morning, am I prepared to lift-off?

-Diane Frolov and Andrew Schneider

What is the Durable Power of Attorney for Health Care?

In a durable power of attorney for health care document, you name the person you authorize to make your health care decisions for you. It is usually made effective when you are not capable of making decisions for yourself. It is important that you communicate your wishes for health care to your appointed representative, who may be called a health care agent.

This person has the authority to make treatment decisions for you, including what medical personnel to hire or fire. Your health care agent can make decisions about admitting you to medical facilities and institutions and has the right to receive and review information, including medical records, that pertain to your health status. She or he may decide about organ donation, autopsy, and what to do with your body



after death. The health care agent cannot revoke a previously existing document regarding your wishes,

such as a living will. A durable power of attorney must be signed by you and witnessed.

What is a Living Will?

A living will allows you to record what type of care you want at the end of your life, should you have a terminal illness. The living will is basically an instruction list to your family, friends, and health care providers. In a living will, you specifically outline what type of care you want in certain situations, and what type of care you don't want.

With a living will, you are preparing in advance to have a voice in your medical care even if you can no longer talk or make decisions.



Examples of the type of care identified in the living will is whether to use a ventilator to sustain life, to have nutrition and hydration withheld, or to have the heart restarted if no heartbeat is evident. There are other types of care that can be addressed. No one document can allow for every situation, so your living will should reflect your wishes as best as you know them at the time you complete the form. If you provide a direction that should become invalid, the other parts of your living will that are not related to that direction are not affected, and will be honored as written.

A living will comes into effect after you have been diagnosed and certified in writing to have a terminal condition by two physicians.

These physicians must have personally examined you, and one must be your attending physician. A living will must be signed by you and witnessed.





What is a Do Not Resuscitate Directive (DNR)?

The DNR directive is a legal document that allows you to communicate, in advance, your desire to not be revived, should you stop breathing or your heart stops beating. Having a DNR directive means that you do not want to have cardiopulmonary resuscitation (CPR) performed by medical personnel. If you are found without a heartbeat or are not breathing, and you have a DNR directive, then health care providers will not attempt to “bring you back.” Therefore, when a DNR directive is in place, no steps can be taken to restart the heart or breathing.

Typically, only terminally ill patients and the frail or elderly have a DNR directive or order. If a healthy person has a DNR directive, it may prevent him or her from receiving medical care needed to save his or her life.

A DNR directive must be signed by you and your physician.

One’s dignity may be assaulted, vandalized and cruelly mocked, but cannot be taken away unless it is surrendered.
-Michael J. Fox

How Do I Complete an Advance Directive?

Completing an advance directive is a serious decision. It is a good idea to talk with your physician about advance directives to ensure that you completely understand the options and ramifications of the different types. Consulting an attorney whenever you are contemplating end-of-life decisions may be helpful as well. Your individual situation may make deciding whether to have advance directives, which ones to have, and when to have them more complicated than it seems at first. You may want to consider talking with a trusted family member, friend, or spiritual advisor. This can be helpful in thinking through these type of decisions.



Advance directives are legal documents. In Kansas, you do not need a lawyer to complete them. However, state laws may vary so you want to be sure that you know other states’ requirements if you plan on moving or if you are caring for someone out-of-state. A good place to find more information about a state’s policies on advance directives is the health department or the state office on aging. You can also ask a physician, health care provider or financial or legal advisor for more information.

What Do I Do After I Have Completed an Advance Directive?

Once you have completed an advance directive, consider talking to your family, friends, and health care providers about your wishes. Tell them the decisions that you have made, as well as the



content and location of your advance directive documents. This may help avoid any confusion during a stressful time for those who love you and care for you.



Make sure that you have copies on hand, and give copies to your loved ones, doctors, hospital, financial institution and lawyer, if you have one. You may want to consider carrying a copy with you or at least placing a note in your wallet or purse stating that you have advance directives and where the forms can be found.



Where Can I Go For More Help?

Kansas Resources

Elder Law Hotline
(800) 353-5337

[www.kansaslegalservices.org/ Home/PublicWeb/GetHelp](http://www.kansaslegalservices.org/Home/PublicWeb/GetHelp)

Kansas Department on Aging
(800) 432-3535
www.agingkansas.org

Kansas Health Ethics
(316) 684-1991
www.kansashealthethics.org

Kansas Resources with Downloadable Forms

Kansas Bar Association
(785) 234-5696
www.ksbar.org or ksbar.lawinfo.com (page with forms)

The University of Kansas Hospital (offers forms in Spanish) www.kumed.com/default.aspx?id=2120

In these matters the only certainty is that nothing is certain.

-Pliny the Elder

National Resource:

National Library of Medicine and the National Institutes of Health MedlinePlus
www.nlm.nih.gov/medlineplus/advancedirectives.html

Program On Advance Directives Coming Soon!

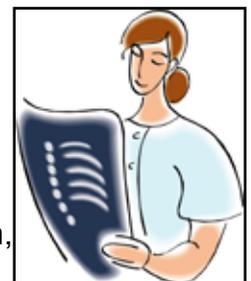
If you would like more information about advance directives, then look next year for the new K-State Research & Extension program entitled *Legally Secure Your Financial Future*. This program will help participants organize important papers, prepare necessary documents to support advance directive wishes for health care, and prepare an estate plan. Each topic is covered in a stand-alone session complete with a power point lecture, case studies, and other activities. Four fact sheets on advance directives in Kansas, complete with actual forms that may be completed by participants, have been prepared and are available through KSRE. These fact sheets were developed with the intent that they would be utilized to complement the *Legally Secure Your Financial Future* session on advance directives.

Training opportunities for KSRE agents to gain knowledge of these program materials and content are as follows:

October 30, 2008: Northwest Area
October 31, 2008: Southwest Area
January 29, 2009: Southeast Area
February 2009 (date to be determined): Northeast Area

New Health Resources Available

The *Agency for Healthcare Research and Quality* and *AARP* offer two health-related checklists and a wall chart, available in English and Spanish, to help people age 50 and



over with health-related topics. The *Men: Stay Healthy at 50+, Checklists for Your Health* and *Women: Stay Healthy at 50+, Checklists for Your Health* are meant to be carried to medical appointments so that individuals and their health care providers can discuss health-related prevention and wellness.

The *Staying Healthy at 50+* wall chart provides evidence-based recommendations from the U.S. Preventive Services Task Force regarding screening tests, preventive medicines and healthy lifestyle behaviors. The wall chart can be placed in physicians' offices, senior centers, fitness centers, pharmacies and other public locations.

The checklists are available on the AHRQ web site at <http://www.ahrq.gov/ppip/men50.htm> and <http://www.ahrq.gov/ppip/women50.htm>.

The wall chart is available at <http://www.ahrq.gov/ppip/50plusposter.htm>. The publications may be ordered by calling AHRQ's Publications Clearinghouse at 1-800-358-9295 or sending an e-mail to ahrqpubs@ahrq.hhs.gov.

References

The information in this edition of **Age Buzz** is from the following KSRE publications: Advance Directives in Kansas (MF 2815), Durable Power of Attorney for Health Care in Kansas (MF 2816),



Living Wills in Kansas (MF 2817), and Do Not Resuscitate Directives in Kansas (MF 2818). Authors: Debra M. Sellers, Ph.D. and Erin J. Dittman.

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Withholding or withdrawal of life-sustaining procedures; legislative finding and declaration, Kan. Stat. Ann. §§ 65-28,101-28,109.

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