

OKLAHOMA NOTICE TO PATIENTS
Required by the Patient Self-Determination Act

This handout informs you what rights Oklahoma law gives to you to make medical care decisions. After reading this, you may still have questions. If so, you should talk about them with your doctors and other health caregivers.

1. Who will talk to me about my medical care options?

Your doctor should talk about medical care options with you using words you can understand.

2. Who decides what medical care I will get?

Your doctor should tell you what the medically reasonable care and treatment options are for your medical condition. As a competent adult, you decide which care and treatment options you will get. You have the right to accept, refuse, or stop any medical care or treatment, including life-sustaining treatment.

3. What if I am not able to make my own decisions?

If you cannot make decisions about your own medical care, someone must make them for you. An advance directive is the best way to tell people what you want done. You can also say who you want to make decisions for you, if you can no longer decide for yourself.

4. What is an advance directive?

An advance directive is a written document you sign before you are unable to make your own decisions. You can use an advance directive to tell people ahead of time what medical care you want. You can also name the person you want to make medical decisions for you if you cannot make them yourself. Oklahoma law has four kinds of advance directives:

- Living will
- Health care proxy
- Durable power of attorney for health care
- Do-Not-Resuscitate consent

You can have one, two, three or all four advance directives.

5. What is a living will?

A living will is a document that allows you to state your choices about life-sustaining treatment. It is used only if you are unable to make health care decisions for yourself.

6. What is a health care proxy?

A health care proxy is a person you name to make medical decisions for you when you are no longer able, including decisions about life-sustaining treatment. You appoint someone to be your proxy with a written document in which you name them. It is used only if you are unable to make health care decisions for yourself.

7. What is a durable power of attorney for health care?

A durable power of attorney for health care is a written document in which you name the person you want to make routine medical decisions for you. This person can also make decisions about life-sustaining treatment if you expressly give the person that power. It is used only if you are unable to make health care decisions for yourself.

8. What is a Do Not Resuscitate Consent?

A person may refuse cardio-pulmonary resuscitation (CPR) by consenting to a "Do Not Resuscitate" (DNR) order. If you know that you would not want to be resuscitated under any circumstances if your heart stopped or you stopped breathing, you can sign a DNR consent form. A DNR order is generally not signed until a person is near death.

9. Should I have an advance directive?

Whether to have an advance directive is entirely your decision. One reason many people want an advance directive is to avoid a dispute about their care if they can't make their wishes known. Signing an advance directive, or – at the very least – talking about your medical care wishes with your loved ones, your doctors and others, makes sense before a medical crisis.

10. Do I need all four documents?

A living will lets you tell others your wishes about life sustaining treatment if you become terminally ill, persistently unconscious, or have an end stage condition. A person you name as a health care proxy can make health care decisions according to your wishes if you are unable to do so. Because of this, you may want to sign a living will and a health care proxy. The living will and health care proxy are both contained in the “Oklahoma Advance Directive for Health Care.” Most people do not need both a proxy and a durable power of attorney for health care. Persons near death may wish to complete a DNR consent form.

Forms are available from physicians, hospitals, home health agencies, hospices, nursing homes and Area Agencies on Aging. Free copies may also be obtained by calling 877-283-4113 or going to <http://okpalliative.nursing.ouhsc.edu>.

11. If I sign an advance directive now, can I change my mind?

You can revoke an advance directive by telling your health care provider or by writing new instructions. You can sign a new advance directive any time you want. In fact, you should go over your advance directive at least once a year to be sure it still correctly states your wishes.

12. Can I be sure my instructions will be followed?

If properly signed, your Oklahoma Advance Directive for Health Care is legally binding on your health care providers. If they cannot follow your directions, they are required to arrange to transfer your care to others who will.

13. May I choose or refuse artificially administered water and food?

You can be sure that you do not receive tube feedings (artificially administered water and food) by stating your wishes in the living will. You can also do this by appointment of a health care proxy to make such decisions for you. If you do not give express instructions, tube feeding can be withheld from you only in very limited situations. You can also request tube feeding.

14. What if I do not have an advance directive?

Without an advance directive, a legal guardian, if appointed by the court, will make medical decisions for you. Without an advance directive or court-appointed legal guardian, Oklahoma law is not clear about who will decide for you. Usually, your family, doctors and hospital can decide about routine medical care. However, if you have not given express instructions, your family is permitted to request withholding life-sustaining treatment and food and water only in very limited situations.

15. What if I signed an “Advance Directive for Health Care” under the old law?

If you signed an advance directive under the old Oklahoma law, it is valid and binding under the new law. You may want to sign a new advance directive, however, because it covers more circumstances. (The new law went into effect on May 17, 2006).

16. What if I signed an advance directive in another State?

Advance directives signed in other States are valid and binding in this State for anything that Oklahoma law allows.

17. What if I have other questions?

If you have other questions, you should discuss them with your doctors and other caregivers. For more information about advance directives contact the Oklahoma Department of Human Services Aging Services Division, 405-521-2281.