



Minnesota Health Care Directives

Your Right to Decide



*Rice Memorial Hospital
Rice Care Center
Rice Hospice*

Dear Patient:

Federal law allows adults to complete Advance Directives. In Minnesota, a health care directive is a document which states your wishes, or names someone else to make decisions for you if you are unable to because of your health condition. If you have previously completed a living will, durable power of attorney for health care, or a Minnesota health care directive, it is important that your health care providers have a copy of the document so your wishes can be followed.

If at the time you began receiving care from Rice Memorial Hospital, Rice Care Center or Rice Hospice, you were unable to receive information about health care directives due to your health condition, your family or surrogate were given the material on your behalf. The law requires health care facilities to distribute this information to each adult who is admitted to a hospital, skilled nursing facility or receives care from a hospice program or home health care agency. In addition, the law requires that you are informed about the following:

- You have the right to accept or refuse medical or surgical treatment.
- You have the right to execute a “Minnesota Health Care Directive.”
- If you were unable to receive this information at the time you began receiving health care services from a Rice provider due to your condition and now you are no longer incapacitated, the federal law requires that you must be provided with the information for your consideration.
- Rice Memorial Hospital, Rice Care Center and Rice Hospice have policies and procedures concerning health care directives. These documents clearly explain how situations are handled when a health care provider is unable to honor a patient’s or family’s wishes because of conscience objections to the care you are requesting in your health care directive. These documents are available to you upon request.
- Your medical record will contain documentation as to whether or not you have a health care directive.
- You have a right to file a complaint with the Office of Health Facility Complaints at 651-215-8713 or 1-800-369-7994 if your health care directive is not followed by your health provider.
- Patients receiving home health care services can call the toll-free home health hotline regarding health care directive complaints. The hotline number is 1-800-369-7994.

Please review the material provided on Minnesota health care directives. If you have a question, need further clarification as to how this applies to you, or would like assistance in completing a health care directive, ask your nurse or other care provider.

Sincerely,

Rice Administration

Rice Memorial Hospital (320) 235-4543
Rice Care Center (320) 214-2700
Rice Hospice (320) 231-4450

Health Care Directives

Questions and Answers

about Minnesota Law

Minnesota law permits you to inform others of your health care wishes. You have the right to state your wishes or appoint an agent in writing so others know what you want if you can't tell them because of illness or injury. The information that follows does not give every detail of the law.

If you want more information, contact your health care provider, your attorney, the Office of the Ombudsman for Older Minnesotans (1-800-657-3591 or 651-296-0382), or the Senior Linkage Line (1-800-333-2433).



What is a health care directive?

A health care directive is a written document that informs others of your wishes about your health care. It allows you to name a person ("agent") to decide for you if you are unable to decide. It also allows you to name an agent if you want someone to decide for you. You must be at least 18 years old to make a health care directive. It may include a health care power of attorney to appoint an agent.



Why have a health care directive?

A health care directive is important if your attending physician determines you can't communicate your health care choices (because of physical or mental incapacity). It is also important if you wish to have someone else make your health care decisions. In some circumstances, your directive may note that you want someone other than an attending physician to decide when you cannot make your own decisions.



Must I have a health care directive? What happens if I don't have one?

You don't have to have a health care directive. However, writing one helps to ensure compliance with your wishes.

You will still receive medical treatment if you don't have a written directive. Health care providers will listen to what people close to you say about your treatment preferences, but the best way to protect your wishes is to have a health care directive.



How do I make a health care directive?

There are forms for health care directives. You can get them from your health care provider, attorney, or the Minnesota Board on Aging (1-800-882-6262 or 651-296-2770). You don't have to use a form, but your health care directive must meet the following requirements to be legal:

- be in writing and dated;
- state your name;
- signed by you or someone you authorize to sign for you, when you can understand and communicate your health care wishes;
- have your signature confirmed by a notary public or two witnesses;
- include the appointment of an agent to make health care decisions for you and/or instructions about the health care choices you wish to make.

Before you prepare or revise your directive you should discuss your health care wishes with your doctor or other health care provider.



I prepared my directive in another state. Is it still good?

Health care directives prepared in other states are legal if they meet the requirements of the other state's laws or the Minnesota requirements. However, requests for assisted suicide will not be followed.



What can I put in a health care directive?

You have many choices of what to put in your health care directive. For example, you may include:

- name of person you trust as your agent to make health care decisions for you;
- you can name alternate agents in case the first agent is not available, or joint agents;
- your goals, values and preferences about health care;
- the types of medical treatment you would want (or not want);
- how you want your agent(s) to decide;
- where you want to receive care;
- instructions about artificial nutrition and hydration;
- mental health treatments that use electroshock therapy or neuroleptic medications;
- instructions if you are pregnant;
- donation of organs, tissues and eyes;
- funeral arrangements;
- who you would like as your guardian or conservator if there is a court action.

You may be as specific or as general as you wish. You can choose which issues or treatments to deal with in your health care directive.



Are there any limits to what I can put in my health care directive?

There are some limits about what you can put in your health care directive. For instance:

- your agent must be at least 18 years of age, your agent cannot be your health care provider (unless your health care provider is a family member or you give reasons for naming that agent in your directive).
- you cannot request health care treatment that is outside of reasonable medical practice.
- you cannot request assisted suicide.



How long does a health care directive last? Can I change it?

Your health care directive lasts until you change or cancel it. As long as the changes meet the health care directive requirements listed, you may cancel your directive by any of the following:

- a written statement saying you want to cancel it;
- destroying it;
- telling at least two other people you want to cancel it;
- writing a new health care directive.



What if my health care provider refuses to follow my health care directive?

Your health care provider must follow your health care directive. Your health care provider must follow any instructions from your agent, as long as the health care follows reasonable medical practice. However, you or your agent cannot request treatment that will not help you or which the provider cannot provide. If the provider cannot follow your agent's directions about life-sustaining treatment, the provider must inform the agent. The provider must also document the notice in your medical record. The provider must allow the agent to arrange to transfer you to another provider who will follow the agent's directions.

Rice Memorial Hospital, Rice Care Center, and Rice Hospice respect the rights of each patient under Minnesota's Health Care Directives law, Minnesota Statute Chapter 399 (1998) to make decisions concerning their medical care, including the right to accept or refuse medical or surgical treatment, and, as well, their right to complete a health care directive. Rice Memorial Hospital, Rice Care Center, and Rice Hospice will take all reasonable steps to assist your physician in providing you with the health care that you have requested in your health care directive; or, if the health care is beyond their capabilities, to assist your physician in transferring you to a health care provider that has the capabilities to provide the health care.

Please be aware, however, that there may be health care that a patient has requested in his or her health care directive to which either Rice Memorial Hospital, Rice Care Center, and Rice Hospice or your physician may have conscience objections that are permitted under Minnesota law. This could include, but is not limited to, pregnancy-related care and treatment, withdrawal of certain life support treatment measures, certain life-saving treatment, etc. In the event that either the hospital or one of its agencies or programs, or your physician has a specific conscience objection and is unwilling to provide you with your directed health care, the hospital or related Rice agency or program, within its capabilities, will assist your physician to transfer you to a health care provider willing to provide the care. At the same time, until you have been transferred, the hospital or other Rice program or agency will assist your physician in taking all reasonable steps to provide you with the directed care.

(References: MN Stat. Ch. 399; Minnesota Department of Health Information Bulletin 98-4, September 1998).



What if I've already prepared a health care document? Is it still good?

Before August 1, 1998, Minnesota law provided for several other types of directives, including living wills, durable health care powers of attorney and mental health care declarations. On August 1, 1998 the law changed so people could use one form for all their health care instructions. Forms created before August 1, 1998 are still legal if they follow the law that was in effect when written. They are also legal if they meet the requirements of the new law. You may want to review any existing documents to make sure they reflect your wishes and meet all of the legal requirements.



What should I do with my health care directive after I have signed it?

You should inform others of your health care directive and give people copies of it. You may wish to inform family members, your health care agent or agents, and your health care providers that you have a health care directive. You should give them a copy. It's a good idea to review and update your directives as your needs change. Keep it in a safe place where you can find it easily.



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Rice Memorial Hospital

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