

## ADVANCED DIRECTIVES

**PURPOSE:** To provide information to all patients of their rights under state law to make decisions concerning medical care, including the right to accept or refuse medical treatment. To clearly identify the patient's proxy decision-maker that will participate in discussions concerning the patient's treatment and make decisions for the patient when the patient is unable to make decisions for himself/herself.

It is the policy of Affiliated Ambulatory Surgery, P.C. to inform patients, at the time of scheduling, of the following options regarding Advanced Directives:

1. In accordance with CMS regulation 416.50(c) - Advanced Directive, Documentation of Advance Directive. Each ASC must have a statement of limitations based on conscience or state law. According to the New Jersey Advance Directives for Health Care Act (NJ Stat. Ann.26:2H-53 2009, 26:2H-62): "A physician may decline to participate in the withholding or withdrawing of measures utilized to sustain life, in accordance with his sincerely held personal or professional convictions. In such circumstances, the physician shall act in good faith to inform the patient and the health care representative, and the chief of the medical staff or other designated institutional official, of this decision as soon as practicable, to effect an appropriate, respectful and timely transfer of care, and to assure that the patient is not abandoned or treated disrespectfully."

This facility's statement of limitation states that at the time of scheduling the patient's surgery the scheduler will verbally explain to them and it will also be given to them in writing that our facility does not honor Do Not Resuscitate orders, and they have the option of rescheduling the procedure at a facility/hospital that honors DNR orders. It is also explained to the patient that our facility would always attempt to resuscitate and transfer the patient to a hospital (Morristown Medical Center) in the event of deterioration. AAS policy will supersede any staff conscience objections. All procedures/surgeries conducted in the facility fall under this policy.

2. At the time of scheduling their surgery the patient is asked if they have an executed Advance Directive. If the patient has an executed Advance Directive they may bring a copy with them on the day of surgery.
3. If a patient requests more information on Advance Directives they will be referred to either the State of New Jersey Department of Health website or our website. The State of New Jersey website is [http://www.state.nj.us/health/advancedirective/forms\\_faqs.shtml](http://www.state.nj.us/health/advancedirective/forms_faqs.shtml) and this is where they can obtain a copy of the form. If a patient chooses to go to our website we have our Advance Directive form uploaded under forms along with some educational materials regarding Advance Directives.
4. We require legal proof regarding medical power of attorney (POA), specifically something from the state or a judge declaring a specific person or an entity as POA.
5. If patient is unable to make a decision regarding their treatment, the ASC would consult their Medical Power of Attorney (MPOA) for direction. Relevant information will be made available to the MPOA so that an informed healthcare decision can be made. CMS CFC 416.50 (e)(2)& (3). If an emergent situation arises the patient will be evaluated and treated at the doctor's discretion. Our scheduling department requests this information at the time of scheduling. Prior to admission to the facility this information is verified

If the patient does not comply with any of the above options, their surgery will not be performed at the facility.

Staff is educated regarding advance directives, the facility's policy regarding advance directives, and informed patient disclosure (Patients rights and responsibilities, physician ownership, grievance process).