

# Updates on Advance Care Planning in Indiana

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# What is Advance Care Planning?



- Part of a continuum of care planning
- Prepares patients and surrogates for communication and medical decision-making
- Tailored in-the-moment and advanced decisions at every life stage

# Factors that shape advance care planning

- What does quality of life mean to the person?
- Personal factors
  - Readiness
  - Decision-control preferences
  - Prognostic awareness
  - Trade-offs
- Friend/family/community social norms and support
- Legal considerations



2013  
Indiana POST Act

2018  
POST Updates  
Proxy Hierarchy

2021  
Advance Directives  
Overhaul Bill

2023  
Proxies, POST, and  
the Out-of-Hospital  
DNR



Indiana General Assembly

# Indiana Advance Directives Statutory Overhaul - 2021



- Conflicting statutes
- Outdated language
  - 29 years old!
- Multiple methods to appoint a legal representative
- Unclear decision standards for legal representatives
- Inhibiting innovation and progress



# New Definitions for Common Terms

- Advance directives
- Presence
- Observe
- Remote
- Incapacity
- Best interest
- Reasonably available



# Advance Directive

- Advance Directive Components:
  - Name 1 or more health care representatives (HCRs)
  - State specific health care decisions and/or treatment preferences, including preferences for life-prolonging procedures or palliative care
- No official or mandatory form or language for the AD



# Indiana Declarations – Mandatory Language

## Indiana Living Will Declaration

If at any time my physician certifies, stating that: (1) I have an incurable disease, or illness; (2) death will occur within a short time; and (3) the use of life prolonging procedures would serve only to prolong the dying process, I direct that such procedures be withheld or withdrawn and that I be permitted to die naturally with or without the use of any medical procedure or medication. I request that I be provided with comfort care or treatment to relieve pain, and, as indicated below, the provision of artificially applied nutrition and hydration.

## Indiana Life-Prolonging Procedure Declaration

I, \_\_\_\_\_, being at least eighteen (18) years old and of sound mind, will voluntarily make known my desire that if at any time I have a terminal injury, disease, or illness determined to be incurable, I request the use of life-prolonging procedures that extend my life. This includes appropriate nutrition and hydration, the administration of medication, and the use of all other medical procedures necessary to prolong my life, to provide comfort care, and to relieve pain in the absence of my ability to give directions. In the absence of life prolonging procedures, it is my intention that this declaration be honored by my family and physician as the final expression of my legal right to request medical or surgical treatment and accept the consequences of the request.

I understand the full importance of this declaration.



# Signing a new Advance Directive

- Sign before
  - Notary OR
  - Two witnesses
- One witness can be a spouse or relative





#### INDIANA HEALTH CARE REPRESENTATIVE:

A Health Care Representative is a person chosen by you to make healthcare decisions, including end-of-life decisions, if you are unable to make your own. It is a good idea to talk with this person about your preferences ahead of time. A doctor will determine if you are unable to make your own decisions.

My name (Full Legal Name – also known as “declarant”) \_\_\_\_\_ Date of Birth (MM/DD/YYYY) \_\_\_\_\_

My Health Care Representative can make decisions for me if I cannot make and share my own health care decisions. My Health Care Representative must follow my wishes and values. My values include my ideas about dignity and quality of life. If my Health Care Representative does not know my wishes, my Health Care Representative must act in good faith and make decisions in my best interests. These decisions include but are not limited to:

- Agreeing to medical treatment
- Refusing medical treatment
- Stopping medical treatment
- Arranging comfort care

#### I want the following person to be my Health Care Representative (HCR):

HCR Name \_\_\_\_\_ HCR Phone Number \_\_\_\_\_

#### If my primary HCR named above is not able or available to act for me, I want the following person to be my backup Health Care Representative:

Backup HCR Name \_\_\_\_\_ Backup HCR Phone Number \_\_\_\_\_

#### OPTIONAL STATEMENT OF PREFERENCES:

I would like to provide some additional guidance for my Health Care Representative on my end of life preferences. (Please select only one option below).

- ☐ The **quality of my life** is more important than the length of my life. If I am unable to make my own decisions and my attending physician believes that I will not recover, I do not want treatments to prolong my life or delay my death. Instead, I would want treatment or care to make me comfortable and to relieve me of pain.
- ☐ **Staying alive** is more important to me, no matter how sick I am or how unlikely my chances for recovery are. I want my life to be prolonged to the greatest extent possible, in accordance with reasonable medical standards.
- ☐ I choose to NOT complete this section at this time.

Declarant Name: \_\_\_\_\_

#### REQUIRED SIGNATURES:

By signing this form, I cancel and revoke every health care power of attorney I signed in the past.

Signature (Declarant) \_\_\_\_\_ Date \_\_\_\_\_

Printed Name (Declarant) \_\_\_\_\_

This form must be either signed by 2 adult witnesses (below left) or notarized (below right) to be legally valid.

#### SIGNATURE OF 2 ADULT WITNESSES

Each of the undersigned Witnesses confirms that he or she has received satisfactory proof of the identity of the Declarant and is satisfied that the Declarant is of sound mind and has the capacity to sign the above Advance Directive. **At least one of the undersigned Witnesses is not a spouse or other relative of the Declarant.**

Signature of Adult Witness 1 \_\_\_\_\_

Printed Name of Adult Witness 1 \_\_\_\_\_

Date \_\_\_\_\_

Signature of Adult Witness 2 \_\_\_\_\_

Printed Name of Adult Witness 2 \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_ Initial here if the Witnesses participated by phone.

This advance directive was created by the Indiana Patient Preferences Coalition and is freely available. See [www.INadvancedirectives.org](http://www.INadvancedirectives.org) for more information.

#### NOTARIZATION

STATE OF INDIANA )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public, personally appeared \_\_\_\_\_ [name of signing Declarant], who acknowledged the execution of the foregoing Advance Directive as his or her voluntary act, and who, having been duly sworn, stated that any representations therein are true.

Witness my hand and Notarial Seal on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature of Notary Public \_\_\_\_\_

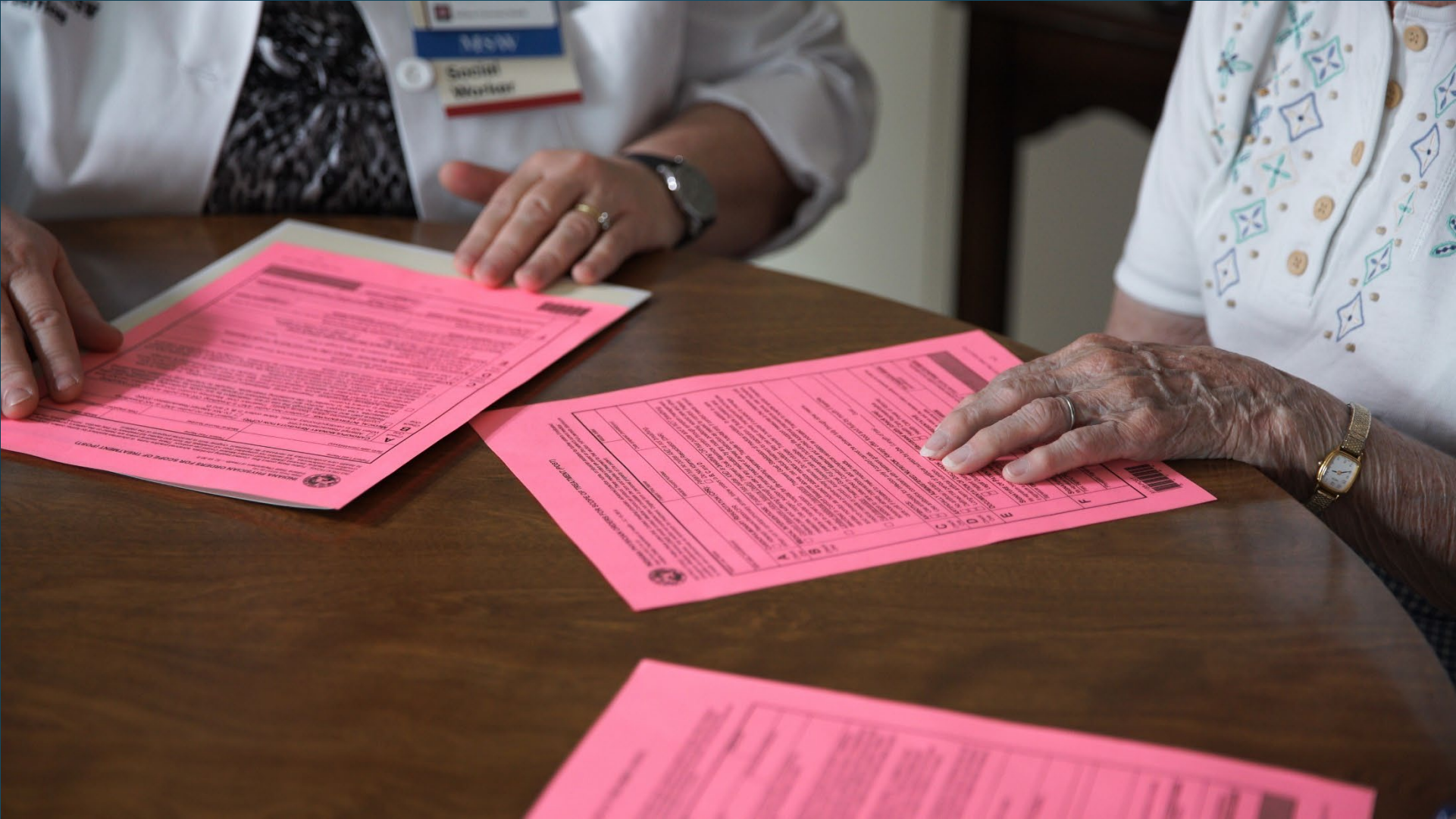
Notary's Printed Name (if not on seal) \_\_\_\_\_

Commission Number (if not on seal) \_\_\_\_\_

Commission Expires (if not on seal) \_\_\_\_\_

Notary's County of Residence \_\_\_\_\_

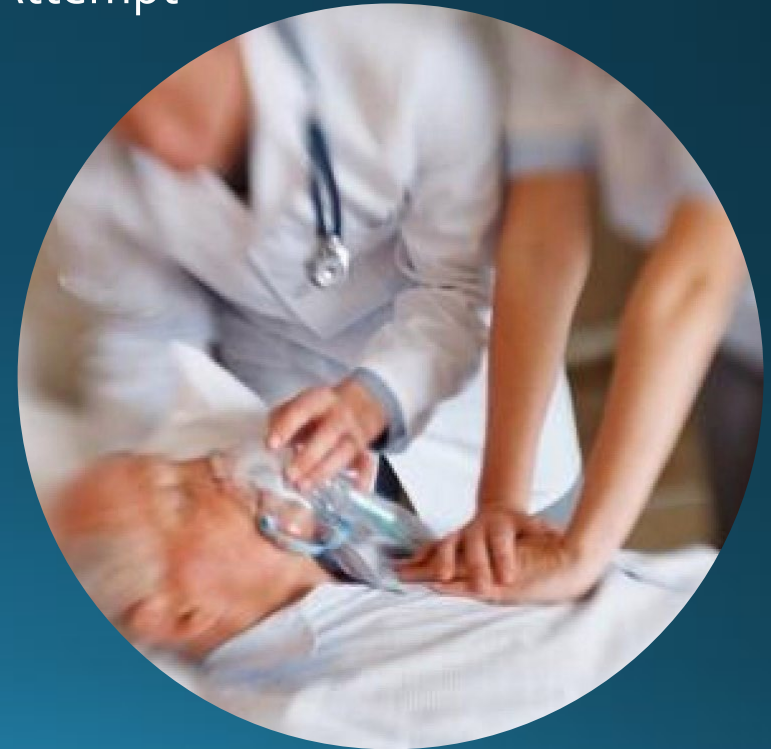




The role of documentation

# Medical Orders

- Code status orders
  - Routine in hospitals and nursing facilities
  - Do Not Resuscitate/Do Not Attempt Resuscitation or Full Code/Attempt Resuscitation
- Do Not Hospitalize orders
  - Less common
- POLST/POST/MOST/MOLST







# OHDNR order form

- Advanced practice registered nurses (APRNs) and Physician Assistant's may sign OHDNR
- Proxy or health care rep can be declarant (new!)
- Form has not been updated

Reset For

 **STATE OF INDIANA**  
**OUT OF HOSPITAL DO NOT RESUSCITATE DECLARATION AND ORDER**  
State Form 49559 (R / 9-11)

 **IDHS**  
Indiana Department of Health  
Leadership for a Safe and Secure Indiana

This declaration and order is effective on the date of execution and remains in effect until the death of the declarant or revocation.

**OUT OF HOSPITAL DO NOT RESUSCITATE DECLARATION**

Declaration made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, being of sound mind and at least eighteen (18) years of age, willfully and voluntarily make known my desires that my dying shall not be artificially prolonged under the circumstances set forth below.

**I declare:**  
My attending physician has certified that I am a qualified person, meaning that I have a terminal condition or a medical condition such that, if I suffer cardiac or pulmonary failure, resuscitation would be unsuccessful or within a short period I would experience repeated cardiac or pulmonary failure resulting in death.

I direct that, if I experience cardiac or pulmonary failure in a location other than an acute care hospital, cardiopulmonary resuscitation procedures be withheld or withdrawn and that I be permitted to die naturally. My medical care may include any medical procedure necessary to provide me with comfort care or to alleviate pain.

I understand that I may revoke this Out of Hospital Do Not Resuscitate Declaration at any time by a signed and dated writing, by destroying or canceling this document, or by communicating to health care providers at the scene the desire to revoke this declaration.

# Limitations of Code Status

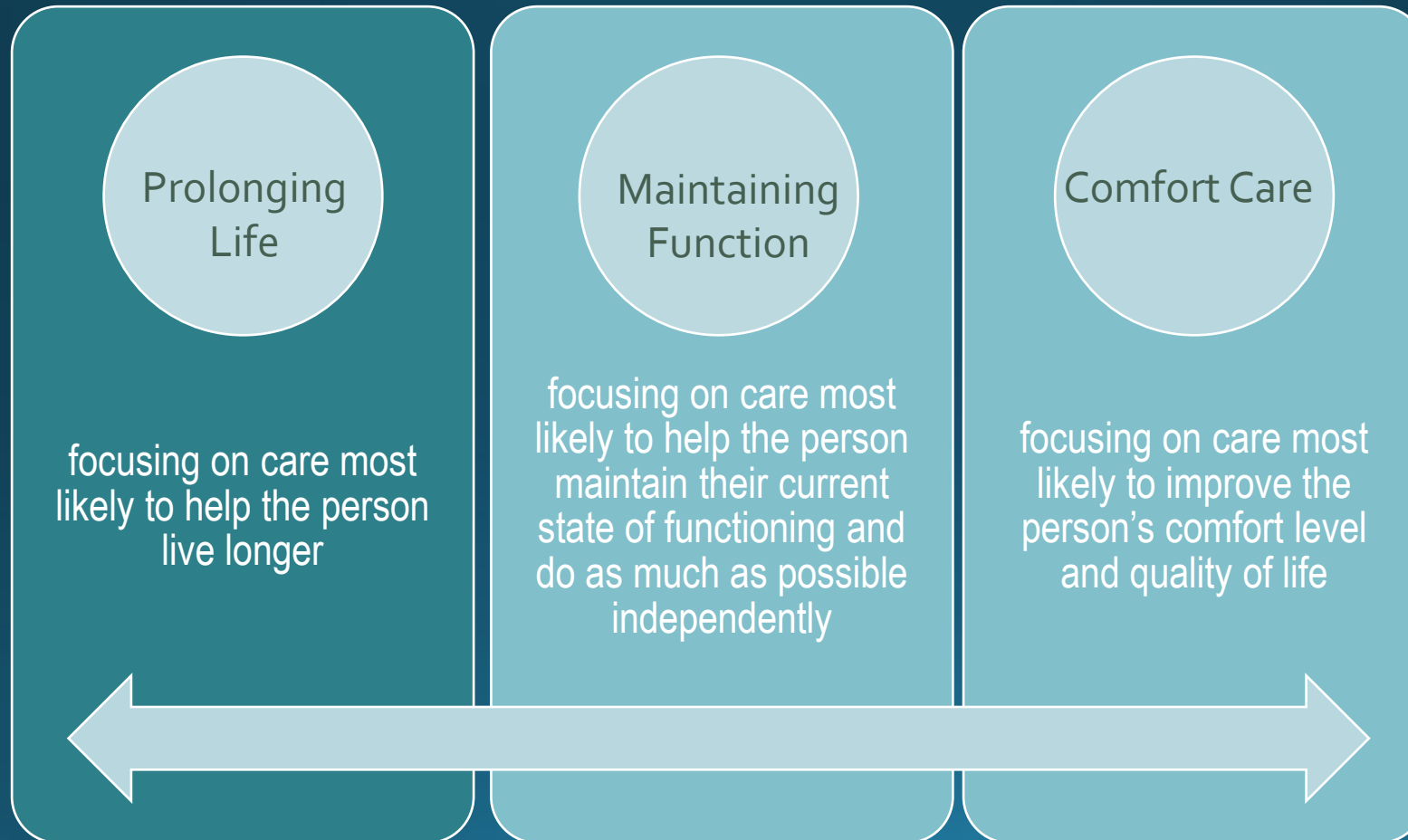
- Addresses resuscitation only
- Simplification
- Over-generalized to reflect preferences for other treatments

**DNR  $\neq$  Do Not Treat**

# CPR IN THE NURSING HOME



# Identifying Goals of Care






# POLST: Portable Medical Orders

- POLST: Portable Medical Orders
  - Also known as POST, MOST, MOLST, etc.
- Documents preferences as actional medical
- Signed by clinician
- Valid throughout the healthcare setting
- Transfers across treatment settings

[www.polst.org](http://www.polst.org)

 **INDIANA PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (POST)**  
State Form 55317 (R2 / 12/16)  
Indiana State Department of Health – IC 16-36-6

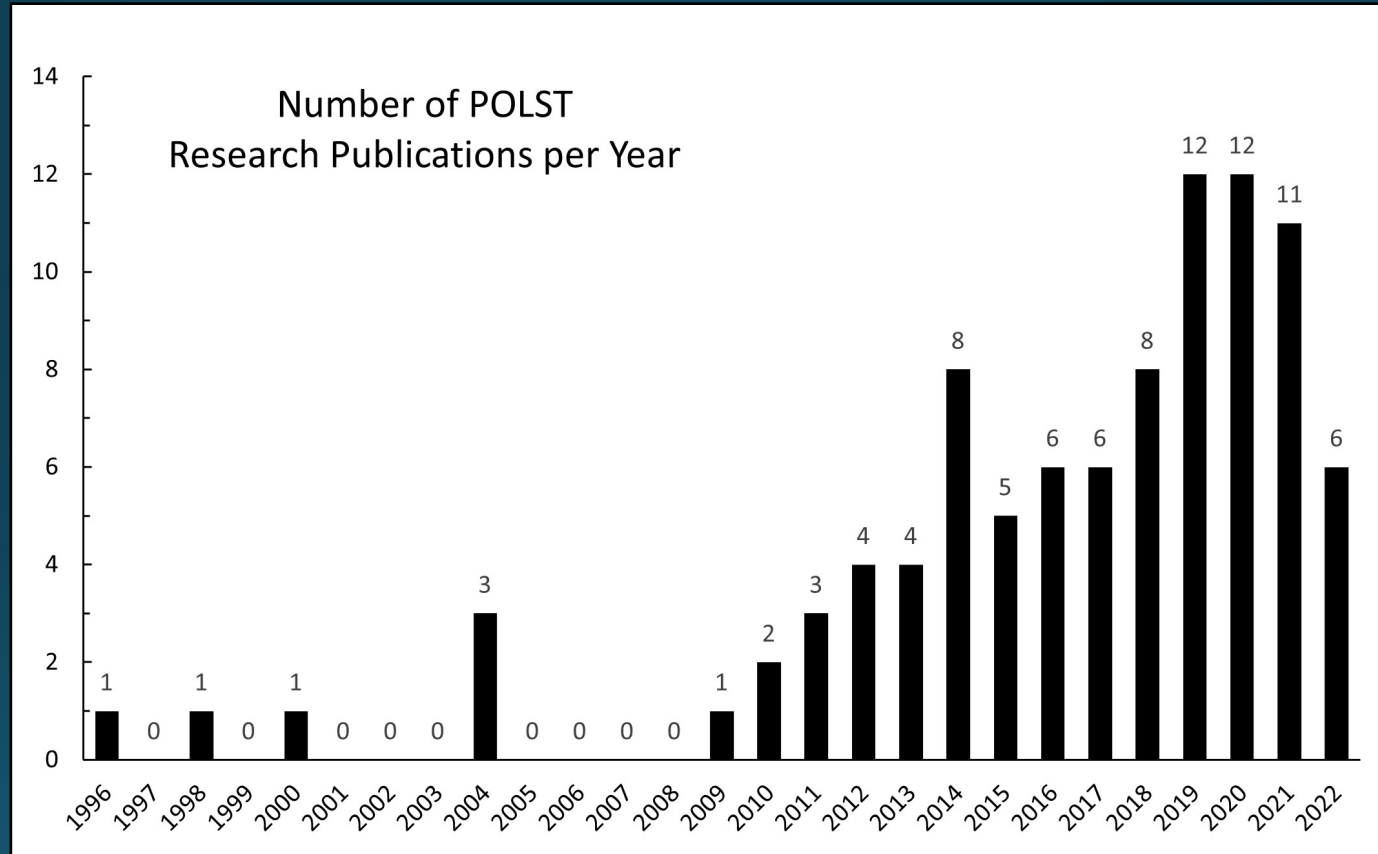
*INSTRUCTIONS: This form is a physician's order for scope of treatment based on the patient's current medical condition and preferences. The POST should be reviewed whenever the patient's condition changes. A POST form is voluntary. A patient is not required to complete a POST form. A patient with capacity or their legal representative may void a POST form at any time by communicating that intent to the health care provider. Any section not completed does not invalidate the form and implies full treatment for that section. HIPAA permits disclosure to health care professionals as necessary for treatment. The original form is personal property of the patient. A facsimile, paper, or electronic copy of this form is a valid form.*

Patient Last Name		Patient First Name	Middle Initial
Birth Date (mm/dd/yyyy)		Medical Record Number	Date Prepared (mm/dd/yyyy)
<b>DESIGNATION OF PATIENT'S PREFERENCES:</b> The following sections (A through D) are the patient's current preferences for scope of treatment.			
<b>A</b> Check One	<b>CARDIOPULMONARY RESUSCITATION (CPR):</b> Patient has no pulse AND is not breathing <input type="checkbox"/> Attempt Resuscitation/CPR <input type="checkbox"/> Do Not Attempt Resuscitation/DNR When not in cardiopulmonary arrest, follow orders in B, C and D		
<b>B</b> Check One	<b>MEDICAL INTERVENTIONS:</b> If patient has pulse AND is breathing OR has pulse and is NOT breathing <input type="checkbox"/> <b>Comfort Measures (Allow Natural Death):</b> Treatment Goal: Maximize comfort through symptom management. Relieve pain and suffering through the use of any medication by any route, positioning, wound care and other measures. Use oxygen, suction and manual treatment of airway obstruction as needed for comfort. Patient prefers no transfer to hospital for life-sustaining treatments. Transfer to hospital only if comfort needs cannot be met in current location. <input type="checkbox"/> <b>Limited Additional Interventions:</b> Treatment Goal: Stabilization of medical condition. In addition to care described in Comfort Measures above, use medical treatment for stabilization, IV fluids (hydration) and cardiac monitor as indicated to stabilize medical condition. May use basic airway management techniques and non-invasive positive-airway pressure. Do not intubate. Transfer to hospital if indicated to manage medical needs or comfort. Avoid intensive care if possible. <input type="checkbox"/> <b>Full Intervention:</b> Treatment Goal: Full interventions including life support measures in the intensive care unit. In addition to care described in Comfort Measures and Limited Additional Interventions above, use intubation, advanced airway interventions, and mechanical ventilation as indicated. Transfer to hospital and/or intensive care unit if indicated to meet medical needs.		
<b>C</b> Check One	<b>ANTIBIOTICS:</b> <input type="checkbox"/> Use antibiotics for infection only if comfort cannot be achieved fully through other means. <input type="checkbox"/> Use antibiotics consistent with treatment goals.		
<b>D</b> Check One	<b>ARTIFICIALLY ADMINISTERED NUTRITION:</b> Always offer food and fluid by mouth if feasible. <input type="checkbox"/> No artificial nutrition. <input type="checkbox"/> Defined trial period of artificial nutrition by tube. (Length of trial: _____ Goal: _____) <input type="checkbox"/> Long-term artificial nutrition.		
<b>OPTIONAL ADDITIONAL ORDERS:</b>			
<b>SIGNATURE PAGE:</b> This form consists of two (2) pages. Both pages must be present. The following page includes signatures required for the POST form to be effective.			

Page 1 of 2



# What is the evidence for POLST?



# What is the evidence for POLST?

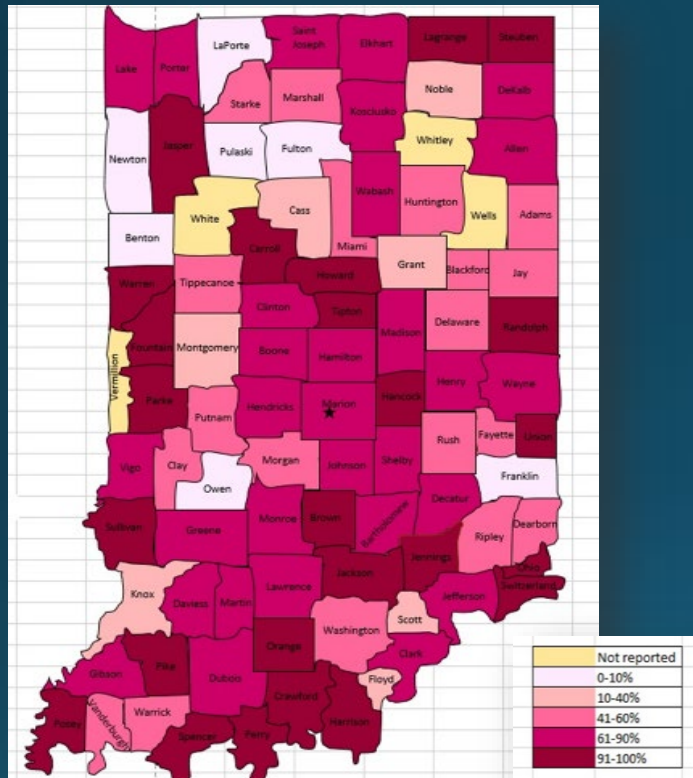
POLST use is significantly associated with key ACP outcome domains including:

- *Quality of Care*
- *Action*
- *Healthcare Utilization*

Outcome Assessed	Outcome Example	Outcomes #	Sig. Associations No. (%)
Quality of Care	Concordance, Satisfaction	19	15 (79%)
Action	Communication, Documentation	12	9 (75%)
Healthcare Utilization	Expenditures, Palliative Care	35	16 (46%)
Process	Behavior Change, Perceptions	0	0
Health Status	Quality of Life	4	0 (0%)
<b>Total</b>		<b>70</b>	<b>40 (57%)</b>



# POST in Indiana



## CLINICAL INVESTIGATION

### Use of the Physician Orders for Scope of Treatment Program in Indiana Nursing Homes

Susan E. Hickman, PhD,<sup>\*†</sup> Rebecca L. Sudore, MD,<sup>‡</sup> Greg A. Sachs, MD,<sup>†§||</sup>  
Alexia M. Torke, MD,<sup>†§||</sup> Anne L. Myers, MPH,<sup>\*</sup> Qing Tang, MS,<sup>||\*\*</sup>  
Giorgos Bakoyannis, PhD,<sup>||\*\*</sup> and Bernard J. Hammes, PhD<sup>†‡</sup>

**OBJECTIVES:** To assess the use of the Indiana Physician Orders for Scope of Treatment (POST) form to record nursing home (NH) resident treatment preferences and associated practices.

majority of NHs were using POST to support resident care. Areas for improvement include creating policies on POST for all NHs, training staff on POST conversations, and considering processes that may enhance the POST conversation, such as finding an optimal time to engage in conversations about



R01NR015255


In 2016, 65% of Indiana nursing homes complete POST after admission

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## The Indiana Patient Preferences Coalition

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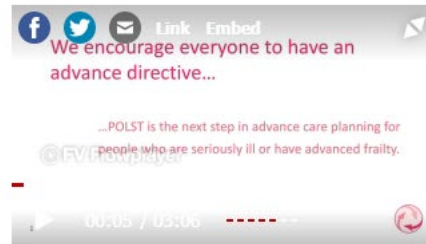
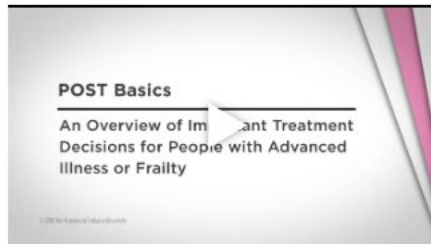
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# Advance Care Planning Resources for Hoosiers

[www.indianapost.org](http://www.indianapost.org)

# Online Resources



## Documents & Resources

 <b>POST Guidance for Health Care Professionals</b> This guidance book provides information to health care providers about how to use the Indiana POST program.	 <b>The New Indiana POST Program</b> An October 2013 video of lecture about the Indiana POST Program featuring Susan Hickman, PhD.	 <b>Out-of-Hospital DNR Order Form (English)</b> As of July 1, 2021, the Indiana Out-of-Hospital DNR Order form can be signed by a physician, advanced practice registered nurse, or physician assistant.	 <b>Out-of-Hospital DNR Order Form (Spanish)</b> This translation of the Indiana Out-of-Hospital Do Not Resuscitate order is provided for educational purposes only. An English version must be signed.
 <b>POST Fact Sheet</b> This cover sheet is designed to accompany the POST form and provides introductory information for patients and families.	 <b>POST Revocation Checklist</b> A checklist outlining the steps required to revoke the Indiana POST.	 <b>Indiana Department of Homeland Security POST Information</b> An educational website containing information about the Indiana POST Program for emergency responders.	 <b>Indiana POST and Advance Directives for EMS</b> An educational packet for EMS developed by the Indiana Fire Chiefs Association EMS Section and the IPPC with the approval of the
	 <b>Indiana POST Form</b> The Indiana POST Program is an advance care planning tool that helps ensure treatment preferences are honored.	 <b>All Translated POST Forms</b> Here you can choose from several languages to download translated versions of the POST form.	

# Using the POST Form

- Original POST is property of patient
  - Bright pink is recommended, but colored paper not required
  - Photocopies or faxed copies are valid
  - Copy should be kept in medical record
  - Send original POST with the patient at time of discharge
- Use is voluntary
  - Document and honor refusals
- Re-evaluate when condition changes



# Honoring POST

- You are required to comply with POST unless believe in good faith that:
  - POST is not validly completed;
  - POST has been revoked or there is a request for alternative treatment;
  - It would be medically inappropriate to provide the intervention on the POST;
  - Provider's religious or moral beliefs that conflict with the POST
    - Must attempt transfer to another health care provider if this is the case
- Health care providers are not subject to civil or criminal liability for good faith compliance with or reliance upon POST forms.



INSTRUCTIONS  
about the patient  
complete a POST  
health care proxy  
proxy (if there is  
to void POST  
professionals  
electronic copy of this form is a valid form.

# Identified elements required to be valid

Patient Last Name (required)		Patient First Name (required)		Middle Initial
Birth Date (mm/dd/yyyy)		Medical Record Number		Date Prepared (mm/dd/yyyy)
<b>DESIGNATION OF PATIENT'S PREFERENCES:</b> The following sections (A through D) are the patient's current preferences for scope of treatment.				
<b>A</b> Check One	<b>CARDIOPULMONARY RESUSCITATION (CPR):</b> Patient has no pulse AND is not breathing. (required) <input type="checkbox"/> Attempt Resuscitation / CPR <input type="checkbox"/> Do Not Attempt Resuscitation / DNR When not in cardiopulmonary arrest, follow orders in B, C and D.			
<b>B</b> Check One	<b>MEDICAL INTERVENTIONS:</b> If patient has pulse AND is breathing OR has pulse and is NOT breathing. <input type="checkbox"/> <b>Comfort Measures (Allow Natural Death):</b> Treatment Goal: Maximize comfort through symptom management. Relieve pain and suffering through the use of any medication by any route, positioning, wound care and other measures. Use oxygen, suction and manual treatment of airway obstruction as needed for comfort. Patient prefers no transfer to hospital for life-sustaining treatments. Transfer to hospital only if comfort needs cannot be met in current location. <input type="checkbox"/> <b>Limited Additional Interventions:</b> Treatment Goal: Stabilization of medical condition. In addition to care described in Comfort Measures above, use medical treatment for stabilization, IV fluids (hydration) and cardiac monitor as indicated to stabilize medical condition. May use basic airway management techniques and non-invasive positive-airway pressure. Do not intubate. Transfer to hospital if indicated to manage medical needs or comfort. Avoid intensive care if possible. <input type="checkbox"/> <b>Full Intervention:</b> Treatment Goal: Full interventions including life support measures in the intensive care unit. In addition to care described in Comfort Measures and Limited Additional Interventions above, use intubation, advanced airway interventions, and mechanical ventilation as indicated. Transfer to hospital and/or intensive care unit if indicated to meet medical needs.			
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<b>D</b> Check One	<b>ARTIFICIALLY ADMINISTERED NUTRITION:</b> Always offer food and fluid by mouth if feasible. <input type="checkbox"/> No artificial nutrition. <input type="checkbox"/> Defined trial period of artificial nutrition by tube. (Length of trial: _____ Goal: _____) <input type="checkbox"/> Long-term artificial nutrition.			
<b>OPTIONAL ADDITIONAL ORDERS:</b>				
<b>SIGNATURE PAGE:</b> This form consists of two (2) pages. Both pages must be present. The following page includes signatures required for the POST form to be effective.				

<b>SIGNATURE OF PATIENT, LEGAL REPRESENTATIVE, OR PROXY:</b> In order for the POST form to be effective, the patient, legal representative, or proxy must sign and date the form below.		
<b>E</b>	<b>SIGNATURE OF PATIENT, LEGAL REPRESENTATIVE, OR PROXY</b> My signature below indicates that the physician, advanced practice registered nurse, or physician assistant (or their designee) discussed with me the above orders and the selected orders correctly represent the decisions made during this discussion.	
	Signature (required)	Date (mm/dd/yyyy) (required)
<b>F</b>	<b>CONTACT INFORMATION FOR LEGAL REPRESENTATIVE OR PROXY IN SECTION E (IF APPLICABLE):</b> If the signature above is other than patient's, add contact information for the representative or proxy.	
	Relationship of representative or proxy identified in Section E if patient does not have capacity	Address (number and street, city, state, and ZIP code) Telephone Number
<b>PHYSICIAN ORDER:</b> A POST form may be executed only by an individual's treating physician, advanced practice registered nurse, or physician assistant, and only if: (1) the treating physician, advanced practice registered nurse, or physician assistant has determined that: (A) the individual is a qualified person; and (B) the medical orders contained in the individual's POST form are reasonable and medically appropriate for the individual; and (2) the qualified person, representative, or proxy has signed and dated the POST form A qualified person is an individual who has at least one (1) of the following: (1) An advanced chronic progressive illness. (2) An advanced chronic progressive frailty. (3) A condition caused by injury, disease, or illness from which, to a reasonable degree of medical certainty: (A) there can be no recovery; and (B) death will occur from the condition within a short period without the provision of life prolonging procedures. (4) A medical condition that, if the person were to suffer cardiac or pulmonary failure, resuscitation would be unsuccessful or within a short period the person would experience repeated cardiac or pulmonary failure resulting in death.		
<b>G</b>	<b>DOCUMENTATION OF DISCUSSION: Orders discussed with (check one):</b> <input type="checkbox"/> Patient (patient has capacity) <input type="checkbox"/> Health Care Representative <input type="checkbox"/> Legal Guardian <input type="checkbox"/> Parent of Minor <input type="checkbox"/> Health Care Power of Attorney <input type="checkbox"/> Proxy	
<b>H</b>	<b>SIGNATURE OF TREATING PHYSICIAN / ADVANCED PRACTICE REGISTERED NURSE / PHYSICIAN ASSISTANT</b> My signature below indicates that I or my designee have discussed with the patient, patient's representative, or proxy the patient's goals and treatment options available to the patient based on the patient's health. My signature below indicates to the best of my knowledge that these orders are consistent with the patient's current medical condition and preferences.	
	Signature of Treating Physician / APRN / PA (required)	Date (mm/dd/yyyy) (required)
	Physician / APRN / PA office telephone number	Physician / APRN / PA License Number Health Care Professional preparing form if other than the physician / APRN / PA
<b>I</b>	<b>APPOINTMENT OF HEALTH CARE REPRESENTATIVE:</b> As a patient you have the option to appoint a representative to serve as your health care representative pursuant to IC 16-36-7. You are not required to designate a health care representative for this POST form to be effective. You are encouraged to consult with your attorney or other qualified individual about advance directives that are available to you. Forms and additional information about advance directives may be found on the IDOH web site at <a href="https://www.in.gov/health/cshcr/indiana-health-care-quality-resource-center/advance-directives-resource-center/">https://www.in.gov/health/cshcr/indiana-health-care-quality-resource-center/advance-directives-resource-center/</a> .	

# What is wrong with using POST as a code status order?

## Special Article

### POLST Is More Than a Code Status Order Form: Suggestions for Appropriate POLST Use in Long-Term Care



Susan E. Hickman PhD<sup>a,b,\*</sup>, Karl Steinberg MD, CMD<sup>c</sup>, John Carney MEd<sup>d</sup>, Hillary D. Lum MD, PhD<sup>e,f</sup>

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<sup>b</sup>Indiana University Center for Aging Research, Regenstrief Institute, Indianapolis, IN, USA

<sup>c</sup>California State University, Institute for Palliative Care, Oceanside, CA, USA

<sup>d</sup>Center for Practical Bioethics, Kansas City, MO, USA

<sup>e</sup>VA Eastern Colorado Geriatric Research Education and Clinical Center, Aurora, CO, USA

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## ABSTRACT

### Keywords:

Advance care planning  
POLST  
nursing home  
code status

POLST (Physician Orders for Life-Sustaining Treatment) is a medical order form used to document preferences about cardiopulmonary resuscitation (CPR), medical interventions such as hospitalization, care in the intensive care unit, and/or ventilation, as well as artificial nutrition. Programs based on the POLST paradigm are used in virtually every state under names that include POST (Physician Orders for Scope of Treatment), MOLST (Medical Orders for Life-Sustaining Treatment), and MOST (Medical Orders

- Use with inappropriate residents
- Unnecessary for individuals who want full code/all interventions
- Never expire
- Must be voluntary
- Increases likelihood of poor quality discussions

# Setting the stage for resident-centered care



- Discuss risks, benefits, and alternatives
  - Progressive dementia = terminal illness
- Decisions about
  - Hospitalization
  - Infection management
  - Feeding difficulties
  - Co-morbid medical condition management



# Exploring understanding

- What is understanding of disease and what will happen?
  - Diagnosis, complications, prognosis, available treatments
- What education is needed?

# Exploring values

- What gives life meaning?
- How does their illness impact their quality of life?
- What does a good day look like?

# Capacity in dementia

- For person living with dementia, ability to engage is dependent on:
  - Stage of illness (Mild, moderate, or severe)
  - Type of decision being made

# Assent and Dissent

- Preferences of adults who lack capacity expressed
  - Verbally
  - Behaviorally
  - Emotionally
- Ability to make a meaningful choice
- Minimal level of understanding



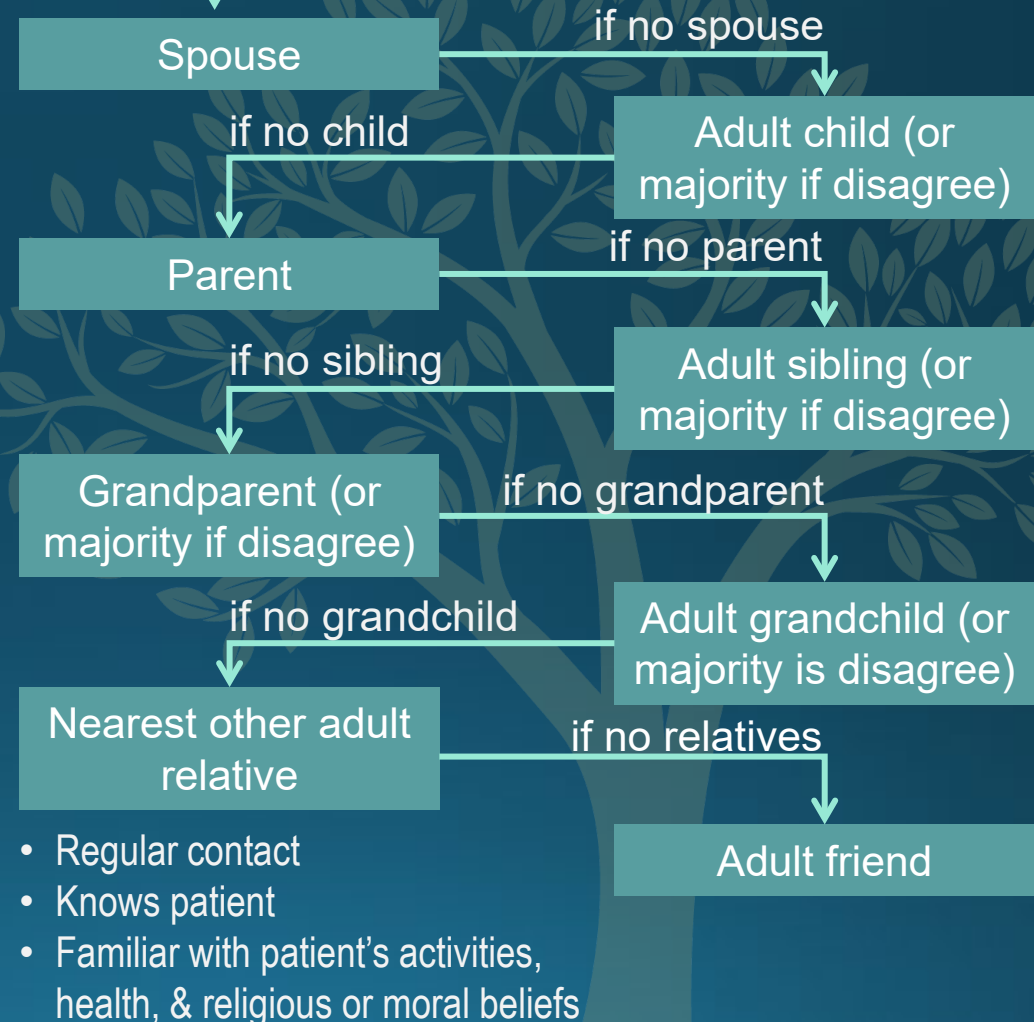
# Who decides if the PLWD cannot decide for self?

- Default surrogate/proxy
- Legally appointment representative/healthcare representative
- Power of attorney for health care
- Guardian with health care decision-making authorities

# Proxy Hierarchy

A person who can consent to health care on behalf of an individual who does NOT have a valid AD signed and in place

Proxies in  
order or  
priority



# Appointing a health care representative

- Decisional capacity required is lower than for more complex decisions
  - Identify a person
  - Make a consistent choice
  - Understand they will be making health care decisions

# Health Care Representative Responsibilities

- Be “reasonably available”
  - able to be contacted without undue effort; and
  - willing and able to act in a timely manner considering the urgency of that individual’s health care needs or health decisions.
- Provides informed consent to healthcare treatment on behalf of the patient if the patient loses decision-making capacity.



# HCR Standards of Conduct

- If the patient is unable to independently make healthcare decisions:
  - HCR must always act in good faith
  - Make health care decisions believes patient would have made
  - Decisions must closely align with the patient's express or implied intentions (if known) or in best interest





# Ethical decision-making

## Decision Making Standards

- Known Preferences
- Substituted Judgement
- Best Interests



# Known Preferences

- Living Will
- Stated preferences
- Prior decisions

# Substituted Judgement

- Recommended rely on substituted judgement for residents with prior decisional capacity
- Base the decisions that the patient would make if able to do so
- Supports autonomy

# Best interests

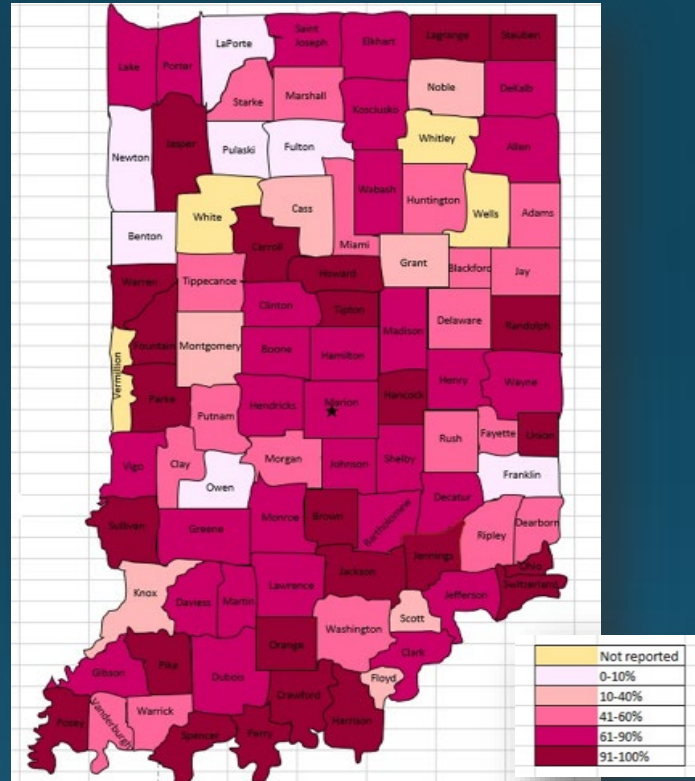
- Promotion of the individual's welfare, based on consideration of material factors, including:
  - relief of suffering
  - preservation or restoration of function
  - quality of life
- In collaboration with the health care team

# Successful Implementation of ACP

- Increasing recognition of the complexity of doing it well
- Considerations include
  - Training of team – ACP is a team sport!
  - Resources (E.g., forms, facilitation guide, educational materials, space)
  - Protocols and documentation
  - Workflow integration
  - Periodic review



# ACP and POST in Indiana



In **2016**, 65% of Indiana nursing homes complete POST after admission.  
Is that still true?

# We need your help!

We are conducting a brief online survey on ACP  
(approx. 15 minutes)

Who should answer this survey for my building?

- The person primarily responsible for advance care planning

Participants will receive \$10 Starbucks eGift Card  
upon completion

Link for contact info for your NH



<https://redcap.link/nh00jeau>

# Discussion

Thank you!

[www.indianapost.org](http://www.indianapost.org)

[www.polst.org](http://www.polst.org)

[www.INadvancedirectives.org](http://www.INadvancedirectives.org)

Questions? Contact me at

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