



Advance Directives  
Training Manual

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# *Training Overview*

This training is intended to provide general information on Advance Directives and on Colorado Access' Advance Directive policy.

## *What is an Advance Directive?*

Advance Directives are written instructions recognized under State law relating to the making of medical treatment decisions and the provision of healthcare when or if an individual is incapacitated. Advance Directives ensure that patients are treated according to their own wishes.

Advance Directives recognized under Colorado law include:

- ⇒ Medical durable powers of attorney,
- ⇒ living wills, and
- ⇒ cardiopulmonary resuscitation (CPR) directives.

## **Medical Durable Powers of Attorney**

Medical durable power of attorney, also known as power of attorney for healthcare, allows a patient or consumer to appoint an individual to make health care decisions (including mental health treatment) on their behalf, if they cannot make the decisions them self. The consumer or patient may give specific instructions to their appointee, or designated client representative (DCR), about services.

The consumer or patient can revoke a Medical Durable Power of Attorney either in writing or orally.

The Medical Durable Power of Attorney is for healthcare issues and does not cover financial matters.

Colorado Law does not require a specific form for Medical Durable Power of Attorney. A consumer may draft his or her own personalized Medical Durable Power of Attorney with the assistance of a lawyer, or use any of the available forms.

## **Living Wills**

A living will is sometimes called a “Declaration as to Medical or Surgical Treatment”. A Living Will tells medical providers not to use artificial life support if the consumer or patient becomes terminally ill. The living will only applies if the consumer or patient has a permanent injury, disease or illness that two (2) physicians determine terminal, and the consumer or patient has been comatose, unconscious, or otherwise incompetent for a week or longer.

The consumer or patient may revoke the living will by asking providers to destroy the living will or by destroying it themselves.

Colorado law requires that the Living Will form meet certain requirements, and be signed by two witnesses that are not patients in the same facility as the consumer /patient, the consumer/patient's doctor or employee of the doctor, any employee of the facility or agency providing the consumer/patient care, creditors of the consumer or patient, or people who may inherit money from the consumer or patient.

## **Cardiopulmonary Resuscitation (CPR) Directive**

A "CPR Directive", also known as "DNR Order" or "No CPR Order", directs paramedics, doctors, medical staff or others not to attempt resuscitation of a consumer/patient if their heart or breathing stops.

The consumer/patient may revoke or cancel a CPR Directive at any time. All original CPR Directive forms must be revoked or canceled.

Consumers or patients over the age of 18 may sign a CPR Directive. The CPR Directive becomes effective once signed by a physician. Colorado law does not require a specific CPR Directive form.

## ***Consumer/Patient Rights & Responsibilities***

Colorado Access provides all adult members, their Designated Client Representative (DCR), or their Authorized Representative with written information about Advance Directives, including Colorado Access' policies, the member's rights under State law to make decisions regarding their medical care, and a description of applicable Colorado statute.

Consumers/patients are responsible for giving a copy of their Advance Directive to their provider(s) and/or applicable facilities. Applicable facilities include hospitals, nursing care facilities, home health agencies, providers of home healthcare or personal care services, and hospices.

The provision of care is not conditioned on the presence or absence of an Advance Directive. Individuals will not be discriminated against on the basis of whether an Advance Directive has been executed, amended, or revoked.

If a Consumer or Patient's Advance medical Directive is not followed, they or other interested parties may file a grievance with Colorado Access, or contact the Colorado Department of Public Health and Environment at:

- ⇒ (303) 692-2980
- ⇒ Colorado Department of Public Health & Environment  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

## *Provider Responsibilities*

Providers should consider consumer/patient input in treatment planning and Advance Directives.

Applicable facilities (applicable facilities include hospitals, nursing care facilities, home health agencies, providers of home healthcare or personal care services, and hospices) are required to provide written information at the time of admission or prior to the delivery of services. This information must include any limitations on the provider's ability to execute or implement an Advance Directive, based on moral convictions, religious beliefs, or other conscientious objections, or based on exceptions identified in State statute C.R.S. §26-4-403.5, including but not limited to:

- ⇒ That the individual is known to the attending physician to be pregnant, and a medical evaluation has determined that the fetus is viable and could, with a reasonable degree of medical certainty, develop to live birth with continued application of life-sustaining procedures.
- ⇒ That a court petition to challenge the validity of an Advance Directive has been filed by the individual's spouse, adult children, parent, or attorney-in-fact under durable power of attorney, within forty-eight (48) consecutive hours after the certification by two physicians that the individual has a terminal condition, in which case a temporary restraining order is issued until a final determination as to validity is made.
- ⇒ That there is actual notice of revocation, fraud, misrepresentation, or improper execution of the Advance Directive.

The provision of care is not conditioned on the presence or absence of an Advance Directive. Individuals will not be discriminated against on the basis of whether an Advance Directive has been executed, amended, or revoked.

The execution, amendment, or revocation of an Advance Directive shall be documented in a prominent part of the individual's current medical or patient care record.

## *Colorado Access & Advance Directives*

**Colorado Access is not required to assist consumers or patients in developing Advance Directives.**

Colorado Access will make no attempt to persuade a member to revoke or alter an existing Advance Directive.

In the event that an attending physician or healthcare facility refuses to comply with an Advance Directive on the basis of policies based on moral convictions, religious beliefs, or other conscientious objections, at the request of the member, DCR, or Authorized Representative, Colorado Access will facilitate transfer of the individual to the care of another healthcare provider or healthcare facility willing to comply with the Advance Directive.

## *For More Information*

More information regarding Advance Directives are available in the Colorado Access provider manuals located at <https://www.coaccess.com/providers/Global.jsp>. Go to the section labeled **Health Plan Provider Information** and click on the health plan name.

### **Additional Resources Outside of [www.coaccess.com](http://www.coaccess.com)**

**Colorado Bar Association:**

<http://www.cobar.org/group/index.cfm?category=732&EntityID=dpwfp>

**Colorado Department of Public Health and Environment:**

<http://www.cdphe.state.co.us/em/Operations/AdvanceDirectives/index.html>

**National Resource Center on Psychiatric Advance Directives:**

[http://www.nrc-pad.org/index.php?option=com\\_content&task=view&id=195&Itemid=67](http://www.nrc-pad.org/index.php?option=com_content&task=view&id=195&Itemid=67)

**Bazelon Center for Mental Health Law:**

<http://www.bazelon.org/issues/advancedirectives/index.htm>