

Subject: Advance Directives

Page 1 of 6

Objective:

- I. To ensure that Tuality Health Alliance (THA) maintains compliance with the Federal Patient Self Determination Act and the Oregon Revised Statutes under chapter 127.
- II. To ensure that adult members 18 years of age or older receive appropriate information regarding Advance Healthcare Directives.

Definitions: (per ORS 127.505)

(1) Adult means an individual who is 18 years of age or older, who has been adjudicated an emancipated minor or who is married.

(2) Advance directive means a document that contains a health care instruction or a power of attorney for health care.

(3) Appointment means a power of attorney for health care, letters of guardianship or a court order appointing a health care representative.

(4) Artificially administered nutrition and hydration means a medical intervention to provide food and water by tube, mechanical device or other medically assisted method. Artificially administered nutrition and hydration does not include the usual and typical provision of nutrition and hydration, such as the provision of nutrition and hydration by cup, hand, bottle, drinking straw or eating utensil.

(5) Attending physician means the physician who has primary responsibility for the care and treatment of the principal.

(6) Attorney-in-fact means an adult appointed to make health care decisions for a principal under a power of attorney for health care, and includes an alternative attorney-in-fact.

(7) Dementia means a degenerative condition that causes progressive deterioration of intellectual functioning and other cognitive skills, including but not limited to aphasia, apraxia, memory, agnosia and executive functioning, that leads to a significant impairment in social or occupational function and that represents a significant decline from a previous level of functioning. Diagnosis is by history and physical examination.

Subject: Advance Directives

Page 2 of 6

(8) Health care means diagnosis, treatment or care of disease, injury and congenital or degenerative conditions, including the use, maintenance, withdrawal or withholding of life-sustaining procedures and the use, maintenance, withdrawal or withholding of artificially administered nutrition and hydration.

(9) Health care decision means consent, refusal of consent or withholding or withdrawal of consent to health care, and includes decisions relating to admission to or discharge from a health care facility.

(10) Health care facility means a health care facility as defined in ORS 442.015 (Definitions), a domiciliary care facility as defined in ORS 443.205 (Definitions for ORS 443.215 and 443.225), a residential facility as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), an adult foster home as defined in ORS 443.705 (Definitions for ORS 443.705 to 443.825) or a hospice program as defined in ORS 443.850 (Definitions for ORS 443.850 to 443.869).

(11) Health care instruction or instruction means a document executed by a principal to indicate the principal's instructions regarding health care decisions.

(12) Health care provider means a person licensed, certified or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or practice of a profession, and includes a health care facility.

(13) Health care representative means:

(a) An attorney-in-fact;

(b) A person who has authority to make health care decisions for a principal under the provisions of ORS 127.635 (Withdrawal of life-sustaining procedures) (2) or (3); or

(c) A guardian or other person, appointed by a court to make health care decisions for a principal.

(14) Incapable means that in the opinion of the court in a proceeding to appoint or confirm authority of a health care representative, or in the opinion of the principals attending physician, a principal lacks the ability to make and communicate health care decisions to health care providers, including communication through persons familiar with the principals manner of communicating if those persons are available. Capable means not incapable.

Subject: Advance Directives

Page 3 of 6

(15) Instrument means an advance directive, acceptance, disqualification, withdrawal, court order, court appointment or other document governing health care decisions.

(16) Life support means life-sustaining procedures.

(17) Life-sustaining procedure means any medical procedure, pharmaceutical, medical device or medical intervention that maintains life by sustaining, restoring or supplanting a vital function. Life-sustaining procedure does not include routine care necessary to sustain patient cleanliness and comfort.

(18) Medically confirmed means the medical opinion of the attending physician has been confirmed by a second physician who has examined the patient and who has clinical privileges or expertise with respect to the condition to be confirmed.

(19) Permanently unconscious means completely lacking an awareness of self and external environment, with no reasonable possibility of a return to a conscious state, and that condition has been medically confirmed by a neurological specialist who is an expert in the examination of unresponsive individuals.

(20) Physician means an individual licensed to practice medicine by the Oregon Medical Board.

(21) Power of attorney for health care means a power of attorney document that authorizes an attorney-in-fact to make health care decisions for the principal when the principal is incapable.

(22) Principal means:

- (a) An adult who has executed an advance directive;
- (b) A person of any age who has a health care representative;
- (c) A person for whom a health care representative is sought; or
- (d) A person being evaluated for capability who will have a health care representative if the person is determined to be incapable.

(23) Terminal condition means a health condition in which death is imminent irrespective of treatment, and where the application of life-sustaining procedures or

Subject: Advance Directives

Page 4 of 6

the artificial administration of nutrition and hydration serves only to postpone the moment of death of the principal.

(24) Tube feeding means artificially administered nutrition and hydration. [1989 c.914 §1; 1991 c.470 §11; 1993 c.767 §1; 2009 c.381 §1]

Policy:

- I. THA staff and providers respect and support the rights of members to participate in and direct their own healthcare, including formulation of an Advance Healthcare Directive.
- II. Information regarding advance directives is provided through various methods including but not limited to the following:
 - A. Health Share Member handbook
 - B. Provider offices
 - C. Area hospitals
 - D. Mental health care providers i.e., Tuality Geriatric Psychiatry and Washington County Department of Health and Human Services
 - E. THA Customer Service and/or Community Outreach Specialists
- III. Information provided to members will include:
 - A. The member's rights under Oregon Law including their right to accept or refuse mental, medical or surgical treatment and the right to formulate at the individual's option an Advance Healthcare Directive.
 - B. That whether or not the member executes an Advance Healthcare Directive will have no effect on the provision of their care and they will not be discriminated against in anyway.
 - C. When requested, a copy of the Advance Healthcare Directive will be given to the member via provider/hospital or sent to the member by mail from THA.
 - D. Should the member be incapacitated at the time of initial enrollment with THA and is not able to receive information (due to the

Subject: Advance Directives

Page 5 of 6

incapacitating condition or a mental disorder) or articulate whether or not he or she has executed an Advance Directive, THA may give information to the member's family in accordance with State law.

- IV. Physician offices should ask members if they have completed an Advance Directive. It is not mandatory that members have these documents completed.
- V. Documentation that existence of Advance Healthcare Directive exists on a given member should be prominently displayed in the patient's medical record.
- VI. Existing Advance Directives are reviewed at the patients' request.
- VII. THA does not implement Advance Healthcare Directives. THA provides only information on who may assist the member in completing Advance Directives.
- VIII. Tuality Healthcare supports provider and community education on Advance Healthcare Directive by providing forms and resources as requested.

Procedure:

- 1. THA will distribute Advance Directives to provider offices upon request.
- 2. THA will conduct an annual review at each Provider/OB office and perform a random sample audit of current OHP members' medical records. THA will look for documentation of an Advance Directive or documentation that the provider asked about completing an Advance Directive and the member declined.
- 3. THA will provide information, links, and resources on Advance Directives to its members and the community online via the THA website.

Refer:	THA Policy VII-1	Member Rights and Responsibilities
	THA Policy VII-2	Complaints and Grievances
	ORS 127.505-127-660	Definitions
	ORS 127.531	Form of Advance Directive

Subject: Advance Directives

Page 6 of 6

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