

QUESTIONS AND ANSWERS ABOUT ADVANCE CARE DIRECTIVES

What kinds of medical direction should I write in an Advance Care Directive?

Use of “If..., then...” statements helps make clear to your Enduring Guardian/Person Responsible, and the treating doctors what your wishes would be for medical treatment decisions. For example: “If it is the opinion of my doctors that my illness is not reversible, and I am not likely to be able to....., then I would not want life-prolonging treatments, and would prefer to have palliative care aimed at comfort, symptom management and quality of life”

Can I make requests about other aspects of my care and life?

You can include in your ACD any more general remarks about preferences and values that might help inform your Enduring Guardian or Person Responsible about other decisions such as those about place and type of care. Giving some background about what is important to you in terms of values, beliefs, and relationships may help others who are discussing your care to make decisions that are consistent with your wishes and your life experiences.

What happens if my family disagree among themselves, or with my Enduring Guardian/Person Responsible?

If an Enduring Guardian has been appointed, their decision over-rides the family’s opinion. Under the Guardianship & Administration Act, if no Enduring Guardian has been appointed, there is a clear hierarchy of who is an appropriate Person Responsible who may take on the role of speaking on your behalf. Disputes can be taken to the Guardianship & Administration Board, or to the Courts, (as appropriate), and the onus of taking any such action would normally be on the family rather than the Person Responsible.

Do I need to see a lawyer to complete an Advance Care Directive or Enduring Guardianship nomination form?

No, you don’t. It is important that whichever document you complete, it must be properly witnessed, signed and dated. An Enduring Guardianship form becomes legally binding only once it is lodged with the Guardianship & Administration Board. If you want advice or assistance with making directions for end of life decisions, it may be a good idea to, talk to your GP, community health nurse or social worker. Information is also available from sources listed below.

More information about Advance Care Directives, enduring guardianship and end of life decision making

If you would like more information about Enduring Guardianship in Tasmania, go to the web-site of the Guardianship & Administration Board:

www.guardianship.tas.gov.au/enduring_guardian/publications, where you can download a fact sheet and forms for appointing an Enduring Guardian (phone **6233 3085**)

Or contact the Office of the Public Guardian at public.guardian@info.tas.gov.au or phone **6233 7608**

You can also access information sheets and forms from Service Tasmania Centres

For legal advice you can phone **1300 366 611**

ADVANCE CARE DIRECTIVE FOR CARE AT THE END OF LIFE (TASMANIA)

Introduction

Advance care planning is a process of planning for future medical and other health care decisions in case you ever had an accident or were too ill to make or communicate these decisions yourself. You can do this either by making written instructions or by appointing a person to speak for you, or you can do both. The written instruction document is often referred to as an Advance Care Directive (ACD).

The attached ACD form can also be used by a “Person Responsible” to write down instructions for the care of someone who already lacks the ability to do this for themselves. The Person Responsible should know the person well enough to understand what treatment would be best for them.

You can include in your ACD any aspects of care that you identify as important, and in particular, nominate any outcomes that you wish to avoid. This ACD is mainly focused on End of Life care, as many people are concerned about being subjected to life-prolonging medical treatment, including life support measures and resuscitation that they would not want when death is thought to be imminent and inevitable. You can specify that you wish instead to receive appropriate palliative care that primarily addresses comfort and dignity.

You can also make plans for where and how you wish to be cared for, and to help those close to you at this time.

There is also a section where you can make specific directions about medical treatment at any time, regardless of whether you are thought to be dying or not, and a specific one for dementia.

It is important that you discuss your values and beliefs and the content of this Advance Care Directive with significant persons such as your proposed Enduring Guardian, your family and close friends, as one of them may need to act as your Person Responsible if you lack capacity to make or communicate decisions for yourself. Under Tasmanian law only an adult, (over the age of 18) can complete a written advance care directive, appoint, or be, an Enduring Guardian, or Person Responsible, or witness an Advance Care Directive.

This form is designed so that you can keep your own copy of your ACD with the information, and the ACD form itself can be copied separately so you can give a copy to those people you wish to have one.

If you need assistance in completing this document or would like more information please contact the person who gave you this form, your GP or community health nurse, social worker or another health care professional.

Explaining “Person Responsible” and “Enduring Guardian”

As long as you are able to understand what you are told, your choices and their consequences, and to communicate your wishes, you are said to have capacity, and your treatment options will be discussed with you.

If you lack capacity any medical decision will be made either by an Enduring Guardian you have appointed using the Enduring Guardianship forms, or by a “Person Responsible” as determined by the Guardianship and Administration Act 1995.

This Act lists those who can make decisions on your behalf in the following order:

1. A guardian (including an Enduring Guardian) who has the power to consent to health care, which includes the power to refuse or withdraw consent to treatment;
2. A spouse - including a de-facto spouse;
3. An unpaid carer who is now providing domestic services or support to you, or who provided these services and support before you entered a residential facility; or
4. A relative or friend who has both a close personal relationship and a personal interest in your welfare.

It is the responsibility of the medical practitioner recommending treatment to determine whether a person qualifies as the patient's Person Responsible. If the medical practitioner cannot decide between competing persons, the matter should be referred to the Guardianship and Administration Board.

You can assist by giving a list of possible Persons Responsible for you when you prepare your Advance Care Directive. This Advance Care Directive will help the Person Responsible available at the time to carry out your wishes.

When selecting someone to be your Enduring Guardian, or preferred “Person Responsible”, it is important to choose someone who:

- You trust and who knows you well;
- Is willing to respect your views and values; and
- Is able to make decisions under circumstances that may be difficult or stressful.

Make sure that you choose someone who will closely follow what you want and will be a good advocate for you.

Neither your Enduring Guardian, nor a Person Responsible is authorized to make financial decisions for you, as that is the role of an Enduring Power of Attorney.

What to do with your completed Advance Care Directive

After completing this Advance Care Directive the original remains with you and copies can be given or sent to:

- Your Person/s Responsible, or Enduring Guardian, Joint or alternate Enduring Guardian/s, if you have appointed one and
- It is also highly recommended that you show it to relevant health professionals such as your general practitioner, community nurse, and medical specialists, and where appropriate discuss it with them and give them a copy.

You may wish to share extra copies with others e.g. family members, close friend, next of kin, your minister of religion, or your solicitor.

If you are a resident in an aged care or other residential facility, it is advisable that staff are aware of this ACD and that a copy should be kept in your file.

Note: if you are the 'Person Responsible' and have completed this ACD on behalf of a person who already lacks capacity, you should keep a copy of the ACD, and give a copy to the person's GP, and any other people who have responsibility or care of the person, (including residential care facilities).

This ACD has a bar-code which will be recorded in your hospital file at public hospitals in Tasmania. If you send a copy to your local hospital it can be scanned into your record.

If you are completing the Guardianship Administration Board forms you can attach this Advance Care Directive to the nomination form if you wish.

How to change or revoke an Advance Care Directive

You can change or revoke your ACD, or the people you name to speak on your behalf, by writing, signing and dating a new document which clearly states that the previous arrangements have been changed or revoked. The new document should be witnessed by someone independent, and it should be clearly dated. The most recently dated document overrides any older one.

There are a number of reasons why you might want to change or revoke your Enduring guardianship or ACD. Maybe your relationship with your Enduring Guardian or Person Responsible has changed or the person you appointed or named is no longer appropriate for the role. Your medical and other circumstances or wishes may have changed.

If you have registered your Enduring Guardianship documents with the Guardianship & Administration Board, Tasmanian law is specific about how to revoke that document. You must complete a Revocation of Enduring Guardianship form. It is also important to inform your Enduring guardian of the changes and provide them (or the new Enduring Guardian) with the new documents.

Whether your ACD is lodged with the Guardianship Administration Board or not, it is important to review it from time to time, even if you are not making any changes. You should sign and date the form again so that it remains as current as possible.