

## **ADVANCE CARE PLAN: Information Sheet for Patients (Tasmania)**

**Advance care planning** is about the promotion of autonomy and dignity and not about euthanasia or suicide. You have the right to make decisions about your health care, now and for the future. Medical treatment should only be given with your fully informed consent and you have the right to refuse treatment. If, in the future, you become unable to express your choices for treatment, your doctors and family/friends may not know what you would want. An Advance Care Plan gives you the opportunity to record, ahead of time, your choices. An Advance Care Plan **ONLY** comes into effect if you lose legal capacity to make decisions about your medical treatment.

**Two** options for recording your choices in an Advance Care Plan are:

1. Appointing an Enduring Guardian by completing an Enduring Guardianship form (you can also choose to document your wishes in an Enduring Guardianship form); or
2. Documenting your wishes in the Statement of Wishes

Before completing the Advance Care Plan, take time to read the following information carefully. It is important that you discuss your values and beliefs and the content of this Advance Care Plan with significant persons such as your proposed Enduring Guardian, your treating team, family and friends. It is important that you discuss your Advance Care Plan together so that they understand and respect your choices.

### **1. Enduring Guardianship**

This is a legal document that enables you to appoint another person to make medical treatment and other personal decisions on your behalf. This person, referred to as your Enduring Guardian, can make decisions on your behalf **only** if you are not able to make or communicate decisions. Your Enduring Guardian must be at least 18 years of age and mentally competent to make these decisions. You may choose to appoint one Enduring Guardian, Joint Enduring Guardians and/or an alternate Enduring Guardian. Your alternate Enduring Guardian will only make decisions for you if your primary Enduring Guardian/s is unavailable, or incapable of making decisions. Your Enduring Guardian is not authorised to make financial decisions for you.

When selecting someone to be your Enduring Guardian, it is important to choose someone who:

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

Often a family member is a good choice as an Enduring Guardian, but not always. Make sure that you choose someone who will closely follow what you want and will be a good advocate for you.

**Please note** - Two witnesses must sign the Enduring Guardianship form. By law your nominated Enduring Guardian cannot also be a witness to your Enduring Guardianship form.

If you choose not to appoint an Enduring Guardian and you become unable to legally make or communicate decisions for yourself, any medical decisions that need to be made will be made by a 'person responsible' as determined by the *Guardianship and Administration Act 1995*.

## **2. Documenting your wishes**

There are a number of ways you can record your wishes regarding future medical treatments and other personal/lifestyle wishes. If you appoint an Enduring Guardian, you may choose to record your wishes on the Enduring Guardianship form. Alternatively you may choose to document your wishes on the Statement of Wishes form. You do not appoint a person to make decisions on your behalf in this form. Although this form is not registered with the Guardianship and Administration Board as is an Enduring Guardianship document, it is considered legally binding under Common Law. These forms are designed to inform your doctors, family and friends of your medical treatment and other personal/lifestyle wishes. If you become unable to make decisions, this information will assist others in making decisions that are in your best interests.

### **How do I change or revoke my Advance Care Plan?**

There are a number of reasons why you might want to change or revoke your Enduring Guardianship or Statement of Wishes. Maybe your relationship with your *Enduring Guardian* has changed, or the person you appointed is no longer appropriate for the role. Your medical and other circumstances or wishes may have changed. Tasmanian law is specific about how to revoke an Enduring Guardianship. Individuals must complete a Revocation of Enduring Guardianship form. It is also important to inform your Enduring Guardian of the changes and provide them with new documents. For other Advance Care Plans such as a Statement of Wishes, documents can be destroyed or individuals may create a new form with a more recent date. The most recent dated document overrides the older document.

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

- your *Enduring Guardian*, and if applicable, your *alternate Enduring Guardian*
- your local doctor (GP)
- the medical records department at the organisation where you have completed the documents
- other hospitals/clinics you normally attend (with a covering explanatory letter)

You may wish to share extra copies with others (eg. next of kin, your minister or your solicitor).

**Please note:** If you have registered an Enduring Guardianship document as part of the Respecting Patient Choices Program currently running at the Royal Hobart Hospital (RHH) with the Guardianship and Administration Board in Hobart, a copy will automatically be sent to the RHH unless you indicate otherwise.

### **Need further information?**

If you need assistance in completing this document or would like more information please contact the Guardianship and Administration Board on 62 33 3085.