

ADVANCED DIRECTIVES INFORMATION

Condition of Participation 484.10(c)(2)

PART I

489.102(a) Each agency/hospice must have policies and procedures that address Advance Directives. These must include:

- (1) (i) Information about Durable Power of Attorney, Living Will and Case Law.
- (1) (ii) Policy of agency respecting the implementation of such rights, including a clear and precise statement of limitation if the provider cannot implement an advance directive on the basis of conscience.
- (3) Must not condition the provision of care or otherwise discriminate against an individual based on whether or not the individual has executed an advance directive.

PART II

489.102(a)(1) The following must be given to the patient in writing in advance of an individual coming under the care of an agency/hospice (A notation in the clinical record that this was done would be appropriate – we will confirm this activity during home visits):

- (ii) Agency policy on advance directives including, at least, the preceding information (in Part I).
 - (i) Description of patients rights under state law.
 - (i) Patients right to accept or refuse medical or surgical treatment.
 - (i) Patients right to formulate an advance directive.

489.102(a)(2) Documentation must be present in the individuals medical record whether or not the individual has executed an advance directive.

489.102(5) Provide for education of staff.

489.102(6) Provide for community education.

(From Federal Register Volume 57, No. 45, Friday, March 6, 1992, Pg. 8203)

The Missouri Bar has a booklet entitled “Durable Power of Attorney for Health Care and Health Care Directive; Questions and Answers, Instructions and Sample Form”. It is distributed as a public service and can be obtained by writing:

**The Missouri Bar
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