

ADVANCE DIRECTIVE FOR HEALTH CARE FOR THE STATE OF OKLAHOMA

Medical treatment decisions may need to be made at a time when the patient is no longer mentally able to make a decision. Persons may express their wishes in writing concerning the types of medical treatment they want or do not want, including life-sustaining treatment. This document is known as an Advance Directive or Living Will, and may be followed under certain conditions if patients are no longer able to make decisions. In order for doctors or hospital workers to be legally required to follow a living will, it must meet certain requirements. Patients must be at least 18 when signing a living will. It must be signed by the patient and two witnesses. Some people, specifically heirs, are not permitted to be witnesses. The instructions in a living will are to be followed only if the patient is “terminally ill or persistently unconscious.” Under Oklahoma law, a person is not considered to have a “terminal condition” until the person is expected to die within six months even with life-sustaining treatment. Until two doctors certify in the medical record that the patient has a “terminal condition” or is “persistently unconscious,” doctors and hospital workers have no legal authority to follow the living will. Oklahoma law presumes that patients wish to be tube-fed if they can no longer take food and water by normal means. Those who do not want to be tube-fed when they are terminally ill or persistently unconscious must specify that in the living will. This form is provided to serve as a framework for individuals who wish to complete a living will.

If you would like copies mailed to you, you may email us at lharrison@jpmc.org or call us at 918/331-1431 and ask for a copy of the Advance Directive for Health Care.

STATE OF OKLAHOMA

ADVANCE DIRECTIVE FOR HEALTH CARE

I, _____, being of sound mind and eighteen (18) years of age or older, willfully and voluntarily make known my desire, by my instructions to others through my living will, or by my appointment of a health care proxy, or both, that my life shall not be artificially prolonged under the circumstances set forth below. I thus do hereby declare:

I. Living Will

a. If my attending physician and another physician determine that I am no longer able to make decisions regarding my medical treatment, I direct my attending physician and other health care providers, pursuant to the Oklahoma Rights of the Terminally Ill or Persistently Unconscious Act, to withhold or withdraw treatment from me under the circumstances I have indicated below by my signature. I understand that I will be given treatment that is necessary for my comfort or to alleviate my pain.

b. **If I have a terminal condition:**

(1) I direct that life-sustaining treatment shall be withheld or withdrawn if such treatment would only prolong my process of dying, and if my attending physician and another physician determine that I have an incurable and irreversible condition that even with the administration of life-sustaining treatment will cause my death within six (6) months.

Signature: _____

(2) I understand that the subject of the artificial administration of nutrition and hydration (food and water) that will only prolong the process of dying from an incurable and irreversible condition is of particular importance. I understand that if I do not sign this paragraph, artificially administered nutrition and hydration will be administered to me. I further understand that if I sign this paragraph, I am authorizing the withholding or withdrawal of artificially administered nutrition (food) and hydration (water).

Signature: _____

(3) I direct that (add other medical directives, if any)

Signature: _____

c. **If I am persistently unconscious:**

(1) I direct that life-sustaining treatment be withheld or withdrawn if such treatment will only serve to maintain me in an irreversible condition, as determined by my attending physician and another physician, in which thought and awareness of self and environment are absent.

Signature: _____

(2) I understand that the subject of the artificial administration of nutrition and hydration (food and water) for individuals who have become persistently unconscious is of particular importance. I understand that if I do not sign this paragraph, artificially administered nutrition and hydration will be administered to me. I further understand that if I sign this paragraph, I am authorizing the withholding or withdrawal of artificially administered nutrition (food) and hydration (water).

Signature: _____

(3) I direct that (add other medical directives, if any)

Signature: _____

II. My Appointment of My Health Care Proxy

a. If my attending physician and another physician determine that I am no longer able to make decisions regarding my medical treatment, I direct my attending physician and other health care providers pursuant to the Oklahoma Rights of the Terminally Ill or Persistently Unconscious Act to follow the instructions of _____, whom I appoint as my health care proxy.

If my health care proxy is unable or unwilling to serve, I appoint _____ as my alternate health care proxy with the same authority. My health care proxy is authorized to make whatever medical treatment decisions I could make if I were able, except that decisions regarding life-sustaining treatment can be made by my health care proxy or alternate health care proxy only as I indicate in the following sections.

b. **If I have a terminal condition:**

(1) I authorize my health care proxy to direct that life-sustaining treatment be withheld or withdrawn if such treatment would only prolong my process of dying and if my attending physician and another physician determine that I have an incurable and irreversible condition that even with the administration of life-sustaining treatment will cause my death within six (6) months.

Signature: _____

(2) I understand that the subject of the artificial administration of nutrition and hydration (food and water) is of particular importance. I understand that if I do not sign this paragraph, artificially administered nutrition (food) or hydration (water) will be administered to me. I further understand that if I sign this paragraph, I am authorizing the withholding or withdrawal of artificially administered nutrition and hydration.

Signature: _____

(3) I authorize my health care proxy to (add other medical directives, if any)

Signature: _____

c. **If I am persistently unconscious:**

(1) I authorize my health care proxy to direct that life-sustaining treatment be withheld or withdrawn if such treatment will only serve to maintain me in an irreversible condition, as determined by my attending physician and another physician, in which thought and awareness of self and environment are absent.
Signature: _____

(2) I understand that the subject of the artificial administration of nutrition and hydration (food and water) is of particular importance. I understand that if I do not sign this paragraph, artificially administered nutrition (food) and hydration (water) will be administered to me. I further understand that if I sign this paragraph, I am authorizing the withholding and withdrawal of artificially administered nutrition and hydration.
Signature: _____

(3) I authorize my health care proxy to (add other medical directives, if any)

Signature: _____

III. Anatomical Gifts

I direct that at the time of my death my entire body or designated body organs or body parts be donated for purposes of transplantation, therapy, advancement of medical or dental science or research or education pursuant to the provisions of the Uniform Anatomical Gift Act. Death means either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain, including the brain stem. I specifically donate:

- My entire body; or
 - The following body organs or parts:
 - lungs, liver, pancreas, heart, kidneys, brain,
 - skin, bones/marrow, bloods/fluids, tissue, arteries,
 - eyes/cornea/lens, glands, other _____
- Signature: _____

IV. Conflicting Provision

I understand that if I have completed both a living will and have appointed a health care proxy, and if there is a conflict between my health care proxy's decision and my living will, my living will shall take precedence unless I indicate otherwise. _____
Signature: _____

V. General Provisions

- a. I understand that if I have been diagnosed as pregnant and that diagnosis is known to my attending physician, this advance directive shall have no force or effect during the course of my pregnancy.
- b. In the absence of my ability to give directions regarding the use of life-sustaining procedures, it is my intention that this advance directive shall be honored by my family and physicians as the final expression of my legal right to refuse medical or surgical

treatment including, but not limited to, the administration of any life-sustaining procedures, and I accept the consequences of such refusal.

- c. This advance directive shall be in effect until it is revoked.
- d. I understand that I may revoke this advance directive at any time.
- e. I understand and agree that if I have any prior directives, and if I sign this advance directive, my prior directives are revoked.
- f. I understand the full importance of this advance directive and I am emotionally and mentally competent to make this advance directive.

Signed this _____ day of _____, 19_____

Signature: _____

Please Print Name

Social Security Number

Date of Birth

Address

City, County and State of Residence

This advance directive was signed in my presence.

(Signature of Witness #1)

(Signature of Witness #2)

(Print Name of Witness #1)

(Print Name of Witness #2)

(Address)

(Address)

(City, State, Zip)

(City, State, Zip)

(This Advance Directive for Health Care is copied from House Bill No. 1969 as amended: passed by the House March 2, 1995, and by the Oklahoma Senate April 10, 1995, and signed by the Governor April 13, 1995. This law is effective November 1, 1995. Form provided courtesy of Jane Phillips Medical Center.)

