

## VERMONT ADVANCE DIRECTIVE FOR HEALTH CARE

### EXPLANATIONS AND INSTRUCTIONS

You have the right to:

1. Name someone else to make health care decisions for you when or if you are unable to make them yourself.
2. Give instructions about what types of health care you want or do not want. It is important to talk with those people closest to you and with your health care providers about your goals, wishes and preferences for treatment.

You may use this form in its entirety or you may use any part of it. For example, if you only want to choose an agent in Part One, you may fill out just that section and then go to Part Seven to sign in the presence of appropriate witnesses.

You are free to use another form as long as it is properly signed and witnessed.

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**PART ONE** of this form allows you to name a person as your “**agent**” to make health care decisions for you if you become unable or unwilling to make your own decisions. You may also name alternate agents. You should choose someone you trust, who will be comfortable making what might be hard decisions on your behalf. They should be guided by your values in making choices for you and agree to act as your agent. You may fill out the Advance Directive form stating your medical preferences even if you do not identify an agent. Medical providers will follow your directions in the Advance Directive without an agent to their best ability, but having a person designated as your agent to make decisions for you will help medical providers and those who care for you make the best decisions in situations that may not have been detailed in your Advance Directive. According to Vermont law, next-of-kin will not automatically make decisions on your behalf if you are unable to do so. That is why it is best to appoint someone of your choosing in advance.

**PART TWO** of this form lets you state **Treatment Goals and Wishes**. Choices are provided for you to express your wishes about having, not having, or stopping treatment under certain circumstances. Space is also provided for you to write out any additional or specific wishes based on your values, health condition or beliefs.

**PART THREE** of this form lets you express your wishes about **Limitations of Treatment**. These treatments include CPR, breathing machines, feeding tubes, and antibiotics. There is space for you to write any additional wishes. NOTE: If you DO NOT want CPR, a breathing machine, a feeding tube, or antibiotics, please discuss this with your doctor, who can complete a DNR/COLST order (Do Not Resuscitate/Clinician Order for Life Sustaining Treatment) to ensure that you do not receive treatments you do not want, especially in an emergency. Emergency Medical Personnel are required to provide you

with life-saving treatment unless they have a signed DNR/COLST order specifying some limitation of treatment. If there is no DNR/COLST order the emergency medical team will perform CPR as they will not have time to consult an Advance Directive, your family, agent, or physician.

**PART FOUR** of this form lets you express **Other Specific Instructions** about health care preferences such as types of medicines, health care settings, or treatment you may experience.

**PART FIVE** of this form is a **Waiver of Right to Request or Object to Treatment**. This is a special part that may be used by people who want their future responses to offered health treatment disregarded or ignored. This section is often referred to as the "Ulysses Clause." *You must have an agent to fill out this section and in order to suspend or revoke this section you must have capacity.*

**PART SIX** of this form allows you to express your wishes related to **organ/tissue donation & preferences for funeral, burial and disposition** of your remains.

**PART SEVEN** is for signatures. You must sign and date the form in the presence of two adult witnesses. The following persons may not be witnesses: your agent and alternate agents, your spouse or partner, parents, siblings, reciprocal beneficiary, children or grandchildren.

You should give copies of the completed form to your agent and alternate agent(s), to your physician, your family and to any health care facility where you reside or at which you are likely to receive care. Please note who has a copy of your Advance Directive so it may be updated if your preferences change.

You are also encouraged to send a copy of your Advance Directive to the Vermont Advance Directive Registry with the Registration Agreement Form found at the end of this document.

You have the right to revoke all or part of this Advance Directive for Health Care or replace this form at any time, with the exception of Part 5, the Waiver of Right to Request of Object to Treatment. Part 5 may only be suspended or revoked when you have capacity. If you do revoke you Advance Directive, all old copies should be destroyed. If you make changes and have sent a copy of your original document to the Vermont Advance Directive Registry, be sure to send them a new copy or a notification of change form with information needed to update your Advance Directive there.

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For assistance completing an Advance Directive contact Disability Rights Vermont, 141 Main Street, Suite 7, Montpelier, VT 05602. Telephone 800-834-7890 or visit [www.disabilityrightsvt.org](http://www.disabilityrightsvt.org).

You may wish to read the booklet Taking Steps to help you think about and discuss different choices and situations with your agent(s) or loved ones. Copies of Taking Steps can be purchased from: Vermont Ethics Network, 61 Elm Street, Montpelier, VT 05602. Telephone (802) 828-2909; [www.vtethicsnetwork.org](http://www.vtethicsnetwork.org). For information about the Vermont Advance Directive Registry visit: VEN website: [www.vtethicsnetwork.org](http://www.vtethicsnetwork.org) or Registry website at the Vermont Department of Health: [www.healthvermont.gov/vadr](http://www.healthvermont.gov/vadr).

# VERMONT ADVANCE DIRECTIVE FOR HEALTH CARE

YOUR NAME \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_ DATE \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
TELEPHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

## **PART ONE: YOUR HEALTH CARE AGENT**

Your health care agent can make health care decisions for you when you are unable or unwilling to make decisions for yourself. You should pick someone that you trust, who understands your wishes and *agrees* to act as your agent.

I appoint this person to be my health care AGENT:

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
HOME PHONE \_\_\_\_\_ WORK PHONE \_\_\_\_\_  
CELL PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

(If you appoint co-agents, list them above or on a separate sheet of paper.)

If this agent is unavailable, unwilling or unable to act as my agent, I appoint this person as my ALTERNATE AGENT:

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
HOME PHONE \_\_\_\_\_ WORK PHONE \_\_\_\_\_  
CELL PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

Others who can be consulted about medical decisions on my behalf include:

Primary care provider(s):

NAME \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
NAME \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ DOB \_\_\_\_\_ DATE \_\_\_\_\_

Those who should *NOT* be consulted include:

[Empty box for listing individuals not to be consulted]

I want my Agent to have decision making authority:

- When I cannot make my own health care decisions
- Now
- When this happens: \_\_\_\_\_

**NOTIFICATION:** If I am unable to do so myself, I request that facility staff or my agent notify the following individuals immediately that I have been admitted to a health care facility:

[Empty box for listing individuals to be notified]

**PART TWO: OVERALL HEALTH CARE GOALS AND SPIRITUAL WISHES**

Goals, wishes or beliefs I wish to express include:

[Empty box for expressing goals, wishes, or beliefs]

If I am dying it is important for me to be (check choice):

- At home
- In the hospital
- Other: \_\_\_\_\_
- No preference

**Spiritual Care**

My religion/faith: \_\_\_\_\_

PLACE OF WORSHIP \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

The following items or music or readings would be a comfort to me: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAME \_\_\_\_\_

DOB \_\_\_\_\_

DATE \_\_\_\_\_

**PART THREE: LIMITATIONS OF TREATMENT**

You can decide what kind of treatment you want or do not want at the end of your life. These wishes can apply to all situations or to situations that you specify. Regardless of the treatment limitations stated you have the right to adequate management for pain and other symptoms (nausea, fatigue, shortness of breath) related to your illness. Unless treatment limitations are stated, the medical teams are required and expected to do everything possible to save your life.

**1. If my heart stops:** (choose one)

- I DO want CPR done to try to restart my heart.  
 I DON'T want CPR done to try to restart my heart.

*CPR means cardio (heart)-pulmonary (lung) resuscitation, including vigorous compressions of the chest, use of electrical stimulation, medications to support or restore heart function, and rescue breaths (forcing air into your lungs).*

**2. If I am unable to breathe on my own:** (choose one)

- I DO want a breathing machine without any time limit.  
 I want to have a breathing machine for a short time to see if I will survive or get better.  
 I DO NOT want a breathing machine for ANY length of time.

*"Breathing machine" refers to a device that mechanically moves air into and out of your lungs such as a ventilator.*

**3. If I am unable to swallow enough food or water to stay alive:** (choose one)

- I DO want a feeding tube without any time limits.  
 I want to have a feeding tube for a short time to see if I will survive or get better.  
 I DO NOT want a feeding tube for any length of time.

*Note: If you are being treated in another state your agent may not automatically have the authority to withhold or withdraw a feeding tube. If you wish to have your agent decide about feeding tubes please check the box below.*

- I authorize my agent to make decisions about feeding tubes.

**4. If I am terminally ill or so ill that I am unlikely to get better:** (choose one)

- I DO want antibiotics or other medication to fight infection.  
 I DON'T want antibiotics or other medication to fight infection.

If you have stated you DO NOT want CPR, a breathing machine, a feeding tube or antibiotics under any circumstances, please discuss this with your doctor who can complete a DNR/COLST form to ensure you don't receive treatments you don't want, particularly in an emergency situation. A DNR/COLST order will be honored outside of the hospital setting.

NAME \_\_\_\_\_ DOB \_\_\_\_\_ DATE \_\_\_\_\_

**Additional limitations of treatment I wish to include:**

**PART FOUR: OTHER SPECIFIC INSTRUCTIONS**

**I prefer the following home or community-based services and facilities as an alternative to hospitalization:**

**If I need hospitalization or care in a treatment facility, the following facilities are listed in order of preference:**

Name _____ Phone _____ (OPTIONAL) I prefer this facility because _____
Name _____ Phone _____ (OPTIONAL) I prefer this facility because _____ _____

**Avoid using the following hospitals or treatment facilities:**

Name _____ (OPTIONAL) Reason to avoid _____ _____
Name _____ (OPTIONAL) Reason to avoid _____ _____

**Please do the following things that help me reduce my symptoms, make me more comfortable, and keep me safe:**

**Do not do the following, they will not help and may even make matters worse:**

**I do not want the following people to visit me while I am in a health care facility:**

NAME \_\_\_\_\_ DOB \_\_\_\_\_ DATE \_\_\_\_\_

**Pharmacy name and phone:**

**Allergies:**

**Medications and Health Care Preparations:**

I have the following preferences \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Use the following medications and health care preparations *only* if all other options have been ruled out as being ineffective by my treating physician:**

**I do not consent and I do not authorize my agent to consent to the administration of the following medications:**

I am aware that the medication decisions I state in this document may result in longer hospital stays and may also result in an Application for Involuntary Treatment being filed or in my being involuntarily committed or treated. I have made my treatment decisions with full awareness of these and other possibilities.

If it is determined that an emergency involuntary procedure must be implemented while I am in a medical facility, I prefer these interventions in the following order. **List by number only those interventions you prefer.** For example, 1 = first choice; 2 = second choice, etc.

- |  |  |
|--|--|
| <input type="checkbox"/> Liquid medication       | <input type="checkbox"/> Physical restraints |
| <input type="checkbox"/> Medication in pill form | <input type="checkbox"/> Other _____         |
| <input type="checkbox"/> Seclusion               |  |
| <input type="checkbox"/> Medication by injection |  |

(OPTIONAL) Reason for preferences:

NAME \_\_\_\_\_ DOB \_\_\_\_\_ DATE \_\_\_\_\_

**Electroconvulsive Therapy**

If it is determined that I am not legally capable of consenting to or refusing Electroconvulsive Therapy (ECT or Shock Therapy) my preference is checked below:

I **do not consent** to the administration of ECT.

I **consent** and authorize my agent to consent to the administration of ECT.

Other instructions regarding the administration of ECT: \_\_\_\_\_

**Consent for drug trials, student education or treatment studies**

I **consent** or  I **do not consent** to my participation in drug trials, student education or treatment studies.

I **authorize my agent to consent** to my participation in drug trials, student education or treatment studies after consulting with my physician and any individuals my agent thinks appropriate, determines the benefits to me outweigh the risks, and that other, non-experimental interventions are not likely to provide effective treatment.

**Guardians (If the Court appoints a Guardian for me):**

I wish the following person(s) to be considered as potential guardian(s) for me: \_\_\_\_\_

I do not wish the following person(s) to be considered as potential guardian(s) for me: \_\_\_\_\_

**Release of Medical Information**

If I am ever involuntarily admitted to a health care facility I give permission to that facility and its staff to disclose all information in my medical record (including personal observations, psychiatric treatment, drug or alcohol treatment) to the agent and alternate agent appointed in my Advance Directive. This release is to take effect regardless of my capacity. I also give permission for my agent to authorize release of health care information to the following individual(s): \_\_\_\_\_

**Enforcement Provision**

I grant my agent, alternate agent and Disability Rights Vermont the authority to enforce compliance with and implementation of my Advance Directive for Health Care. I further grant them the authority to request an evaluation to determine my ability to make my own health care decisions.

*Sign and date if you agree* \_\_\_\_\_



## **PART FIVE: WAIVER OF RIGHT TO REQUEST OR OBJECT TO TREATMENT**

Section Five is a special provision that may be used by people who want their future responses to offered health treatment disregarded or ignored. *You must have an agent to fill out this Section.*

There may be situations in which you might be objecting to or requesting treatment but would then want your objections or requests to be disregarded. If you have had treatment in the past that scares you or is uncomfortable or painful you may be likely to say “no” when it is offered in a future health crisis. Still, you may know that this is the only way for you to come through a bad time or even survive. You understand that it is necessary and you would want it again if you had to have it. This Section will help you let your agent and others know what you *really* want for yourself when you have capacity to make those decisions.

Because this section includes giving up a basic right that all patients have (to refuse or to request treatment) unless a court orders otherwise, you will need to give this much careful thought. You will also have to have additional signature(s) and assurances at the time you fill out this Section of your Advance Directive.

If you think Part Two Section Two could apply to you and be helpful in your situation, you need to be sure that everyone involved in your care understands that you are making this choice of your own free will and that you understand the ramifications of waiving your right either to consent or to object to treatment.

**Unlike other Parts of your Advance Directive, you can revoke this section only when you have capacity to make medical decisions as determined by your doctor and another clinician.**

For your agent to be able to make healthcare decisions over your objection, you must:

- Name your agent who is entitled to make decisions over your objection;
- Specify what treatments you are allowing your agent to consent to or to refuse over your objection;
- State that you either do or do not desire the specified treatment even over your objection at the time;
- Acknowledge in writing that you are knowingly and voluntarily waiving the right to refuse or receive specified treatment at a time of incapacity;
- Have your agent agree in writing to accept the responsibility to act over your objection;
- Have your clinician affirm in writing that you appeared to understand the benefits, risks, and alternatives to the proposed health care being authorized or rejected by you in this provision; and
- Have an ombudsman, patient representative, attorney licensed to practice in Vermont, or a probate court designee affirm in writing that he or she has explained the nature and effect of this provision to you and that you appeared to understand this explanation and be free from duress or undue influence.

NAME \_\_\_\_\_ DOB \_\_\_\_\_ DATE \_\_\_\_\_

I hereby give my agent \_\_\_\_\_ the authority to consent to or refuse the following treatment(s) over my objection if I am determined by two clinicians to lack capacity to make healthcare decisions at the time such treatment is considered:

I **do want** the following treatment to be provided, even over my objection, at the time the treatment is offered:

[Empty box for 'do want' treatment details]

I **do not want** the following treatment, even over my request for that treatment, at the time the treatment is offered:

[Empty box for 'do not want' treatment details]

If it is determined that I am in need of hospitalization:

I authorize my agent to consent to my voluntary admission to the hospital.

**Acknowledgement by Principal:**

I hereby affirm that I am knowingly and voluntarily waiving the right to refuse or receive treatment at a time of incapacity, and that I understand that my doctor and one other clinician will determine whether or not I have capacity to make health care decisions at that time. I know that I can revoke this part of my Advance Directive only when I have the capacity to do so, as determined by my doctor and at least one other clinician.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Acknowledgement by agent**

I, as the designated agent in this Advance Directive, hereby accept the responsibility of authorizing or withholding health care over the principal's objection in the event that the principal lacks capacity to make healthcare decisions at the time the treatment is considered.

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Signature of Alternate Agent \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

NAME \_\_\_\_\_ DOB \_\_\_\_\_ DATE \_\_\_\_\_

**Acknowledgement of principal's clinician**

I, as clinician for the principal, affirm that the principal appeared to understand the benefits, risks, and alternatives to the health care being authorized or rejected by the principal in this provision.

Signature of Clinician \_\_\_\_\_ Date \_\_\_\_\_

Print Name/Title \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Acknowledgment by person(s) who explained Part Five**

I am an ombudsman, patient representative, attorney licensed in Vermont, or a probate court designee. I hereby affirm that I have explained the nature and effect of the provision to the principal and that the principal appeared to understand the explanation and be free from duress or undue influence.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name/Title \_\_\_\_\_ Phone Number: \_\_\_\_\_

**PART SIX: ORGAN/TISSUE DONATION & BURIAL /DISPOSITION OF REMAINS**

**My wishes for organ and tissue donation (check your choice(s)):**

- I consent to donate the following organs & tissues:
  - Any needed organs
  - Any needed tissue (skin, bone, cornea)
  - I do not wish to donate the following organs and tissues: \_\_\_\_\_
  - I do not want to donate any organs or tissues
  - I want my health care agent to decide
- I wish to donate my body to research or educational program(s). *(Note: you will have to make your own arrangements with a medical school or other program in advance.)*

**My directions for burial/disposition of my remains after I die:**

- I have a pre-need contract for funeral arrangements:
 

NAME \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

I want the following individuals to decide about my burial or disposition of my remains *check choices:*

- Agent
- Alternate Agent
- Family:
 

NAME \_\_\_\_\_ PHONE \_\_\_\_\_

NAME \_\_\_\_\_ DOB \_\_\_\_\_ DATE \_\_\_\_\_

ADDRESS \_\_\_\_\_

Other:

NAME \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

**Specific wishes check choice(s):**

I want a wake/viewing

I prefer a burial — If possible at the following location: (cemetery, address, phone number):  
\_\_\_\_\_

I prefer cremation — with my ashes kept or scattered as follows: \_\_\_\_\_

I want a funeral ceremony with a burial or cremation to follow

I prefer only a graveside ceremony

I prefer only a memorial ceremony with burial or cremation preceding

Other details: (such as music, readings, Officiant)

**PART SEVEN: SIGNED DECLARATION OF WITNESSES**

You must sign this before TWO adult witnesses. The following people may **not** sign as witnesses:  
your agent(s), spouse, reciprocal beneficiary, parents, siblings, children or grandchildren.

**I declare that this document reflects my health care wishes and that I am signing this Advance Directive of my own free will.**

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**Acknowledgement of Witnesses**

I affirm that the principal appeared to understand the nature of this advance directive and to be free from duress or undue influence at the time this was signed. *(Please sign and print)*

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

FIRST WITNESS (PRINT NAME) \_\_\_\_\_ TEL \_\_\_\_\_

ADDRESS \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

SECOND WITNESS (PRINT NAME) \_\_\_\_\_ TEL \_\_\_\_\_

ADDRESS \_\_\_\_\_

If the person signing this document is being admitted to or is a current patient in a hospital, one of the following must sign and affirm that they have explained the nature and effect of the advance directive and the patient appeared to understand and be free from duress or undue influence at the time of signing: designated hospital explainer, ombudsman, mental health patient representative, recognized member of the clergy, Vermont attorney, or Probate Court designee.

NAME \_\_\_\_\_ DOB \_\_\_\_\_ DATE \_\_\_\_\_

If the person signing this document is being admitted to or is a resident in a nursing home or residential care facility, one of the following must sign and affirm that they have explained the nature and effect of the advance directive and the resident appeared to understand and be free from duress or undue influence at the time of signing: an ombudsman, recognized member of the clergy, Vermont attorney, Probate Court designee, designated hospital explainer, mental health patient representative, clinician not employed by the facility, or appropriately trained nursing home/residential care facility volunteer. The explainer as outlined above may also serve as one of the two required witnesses.

Name: \_\_\_\_\_ Title/position: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**The following have a copy of my Advance Directive (please check):**

- Vermont Advance Directive Registry
- Health Care Agent
- Alternate Health Care Agent
- Disability Rights Vermont
- Doctor/Provider(s): \_\_\_\_\_
- \_\_\_\_\_
- Hospital(s): \_\_\_\_\_

Family Member(s) (please list):

NAME \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 NAME \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 NAME \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_

If you choose to register your Advance Directive please send a copy along with a completed Registration Agreement form which can be found at the State of **Vermont Department of Health** website <http://www.healthvermont.gov/vadr/> to **Vermont Advance Directive Registry**, P.O. Box 2789, Westfield, NJ 07901-2789 or call the Vermont Department of Health toll-free at 1-800-464-4343.

If you have questions or need assistance please contact **Disability Rights Vermont**, 141 Main Street, Suite 7, Montpelier, Vermont, 05602; 1-800-834-7890 toll free or visit us on the web <http://www.disabilityrightsvt.org/>.