
Health care directives

Every day, we make all kinds of plans: about what to eat, how to get to where we need to be, and what to do with our time. In the midst of our busy lives, we may forget to plan for what we would do if faced with a life-threatening or unexpected illness. One of your basic rights is to make decisions about your health care. You also have the right to let your health care providers know how to care for you if you are unable to speak for yourself. To communicate the kind of treatment and care you want to receive, it's important to prepare and sign a health care directive (also called an advance directive).

Health plans like *EssentiaCare* are required to inform their members about their right to execute a health care directive when they enroll.

EssentiaCare is also required to educate staff and provide community education about health care directives. Once members have been given treatment options, they have the right to accept or refuse medical care. Providers cannot change your treatment based on whether you have executed (created and signed) a health care directive or not.

EssentiaCare has created written policies to ensure the implementation of your rights. Below are questions and answers about health care directives and how to prepare them. To ensure your rights, we recommend that you talk to your doctor at your next visit about setting up a health care directive.

Questions and answers about health care directives

State law

State law allows you to inform others of your health care wishes. You have the right to state your wishes or appoint an agent in writing so that others will know what you want if you can't tell them because of illness or injury. The information that follows tells about health care directives and how to prepare them. It does not give every detail of the law. The laws in Minnesota and Wisconsin are different.

What is a health care directive?

Minnesota: A health care directive is a written document that informs others of your wishes about your health care. It allows you to name

a person ("agent") to decide for you if you are unable to decide. It also allows you to name an agent if you want someone else to decide for you. You must be at least 18 years old to make a health care directive.

Wisconsin: A health care directive describes, in writing, your choices about the treatments you want or do not want or about how health care decisions should be made for you if you become incapacitated and cannot express your wishes. A health care directive expresses your personal wishes, beliefs, and values. In Wisconsin, if you are 18 years of age or older and of "sound mind," you can make a health care directive.

Why have a health care directive?

Minnesota: A health care directive is important if your attending physician determines you can't communicate your health care choices (because of physical or mental incapacity). It is also important if you wish to have someone else make your health care decisions. In some circumstances, your directive may state that you want someone other than an attending physician to decide when you cannot make your own decisions.

Wisconsin: A health care directive speaks for you when you are unable to speak for yourself.

Do I have to have a health care directive? What happens if I don't have one?

Minnesota: You don't have to have a health care directive. But writing one helps to make sure your wishes are followed. You will still receive medical treatment if you don't have a written directive. Health care providers will listen to what people close to you say about your treatment preferences, but the best way to be sure your wishes are followed is to have a health care directive.

Wisconsin: You will receive medical care if you do not make a health care directive. However, there is a greater chance you will not receive the types of care and treatments you want if you have not made a health care directive. If you cannot speak for yourself and have not made a health care directive, a physician will generally look to your family, friends, or clergy for decisions about your care. If a physician or health care facility is unsure, or if your family is in disagreement about the decision, they may ask courts to appoint a person (a guardian) who will make decisions for you.

How do I make a health care directive?

Minnesota: There are forms for health care directives. You don't have to use a form, but your health care directive must meet the following requirements to be legal:

- Be in writing and dated.
- State your name.
- Be signed by you or someone you authorize to sign for you, when you can understand and communicate your health care wishes.
- Have your signature verified by a notary public or two witnesses.
- Include the appointment of an agent to make health care decisions for you and/or instructions about the health care choices you wish to make.

Before you prepare or revise your directive, you should discuss your health care wishes with your doctor or other health care provider. Information about how to obtain forms for preparation of your health care directive can be found at the end of this document, under "How to obtain additional information."

Wisconsin: There are three ways to make a formal health care directive in *Wisconsin*:

- Living will
- Power of attorney for health care
- Legal document drafted by your attorney.

You can complete either a living will or a power of attorney for health care document. These forms may be available from your health care provider or can be obtained from the Wisconsin Department of Health Services at <https://www.dhs.wisconsin.gov/forms/advdirectives/index.htm>

You do not need an attorney to complete these forms. However, two persons must witness your signature. The forms describe who may or may not be a witness. A third way to express your wishes is to have a legal document drafted by your attorney and appropriately witnessed.

I prepared my directive in another state. Is it still good?

Minnesota: Health care directives prepared in other states are legal if they meet the requirements of the other state's laws or the Minnesota requirements. But requests for assisted suicide will not be followed.

Wisconsin: A valid document that authorizes the withholding or withdrawal of life-sustaining procedures or of feeding tubes and that is executed in another state or jurisdiction in compliance with the law of that state is valid and enforceable in Wisconsin to the extent that the document is consistent with the laws of Wisconsin. If you reside in, or receive medical care in, more than one state, you may want to complete the health care directives for all of the states involved.

What can I put in a health care directive?

Minnesota: You have many choices of what to put in your health care directive. For example, you may include:

- The person you trust as your agent to make health care decisions for you. You can name alternative agents in case the first agent is unavailable, or joint agents.
- Your goals, values, and preferences about health care.
- The types of medical treatment you would want (or not want).
- How you want your agent or agents to decide.
- Where you want to receive care.
- Instructions about artificial nutrition and hydration.
- Mental health treatments that use electroshock therapy or neuroleptic medications.
- Instructions if you are pregnant.
- Donation of organs, tissues, and eyes.
- Funeral arrangements.
- Who you would like as your guardian or conservator if there is a court action.

You may be as specific or as general as you wish. You can choose which issues or treatments to deal with in your health care directive.

Wisconsin: A living will informs your physician regarding your preferences or wishes about life-sustaining measures to be used when you are near death or in a persistent vegetative state. The life-sustaining measures mentioned in the living will include treatments or machines that keep your heart, lungs, or kidneys functioning when they are unable to do so on their own. A living will goes into effect only when two physicians, one of whom is your attending physician, agree in writing that you are either near death or are in a persistent vegetative state that cannot be reversed and are unable to understand or express your health care choices.

The power of attorney for health care is a document in which you appoint another person (a "health care agent") to make health care decisions for you in the event that you are not capable of making them yourself. A health care agent can make a wide range of health care decisions for you, such as whether or not you should have an operation, receive certain medications, or be placed on a life support system. A power of attorney for health care goes into effect when you are incapacitated and can no longer make health care decisions, but you do not have to be close to death or in a vegetative state. The power of attorney for health care also allows another person to speak for you and make health care decisions for you that are not limited to life-sustaining measures. The type of decision this person can make depends upon how you complete the form.

Are there any limits to what I can put in my health care directive?

Minnesota: There are some limits about what you can put in your health care directive. For instance:

- Your agent must be at least 18 years of age.
- Your agent cannot be your health care provider, unless the health care provider is a family member or you give reasons for the naming of the agent in your directive.
- You cannot request health care treatment that is outside of reasonable medical practice.
- You cannot request assisted suicide.

Wisconsin: There are some limits about what you can put in your health care directive. For instance:

- Your agent cannot be your health care provider, an employee of your health care provider or an employee of a health care facility in which you are a patient or a spouse of any of those persons unless he or she is also your relative.
- Your agent is not allowed to make decisions for you in some areas of health care unless you give him or her specific authority in those areas when you complete the form.
- A living will deals only with the use or non-use of life sustaining measures.

How long does a health care directive last? Can I change it?

Minnesota: Your health care directive lasts until you change or cancel it. As long as the changes meet the health care directive requirements listed above, you may cancel your directive by any of the following:

- A written statement saying you want to cancel it.
- Destroying it.
- Telling at least two other people you want to cancel it.
- Writing a new health care directive.

Wisconsin: You can cancel or replace a living will or power of attorney for health care at any time by expressing this verbally or in writing to your physician or health care provider. The different ways you can do this are also explained in the letter that accompanies the forms you complete.

What if my health care provider refuses to follow my health care directive?

Minnesota: Your health care provider generally will follow your health care directive, or any instructions from your agent, as long as the health care follows reasonable medical practice. But you or your agent cannot request treatment that will not help you or which the provider cannot provide. If the provider cannot follow your agent's directions about life-sustaining treatment, the provider must inform the agent. The provider must also document the notice in your medical record. The provider must allow the agent to arrange to transfer you to another provider who will follow the agent's directions.

Wisconsin: Some health care providers or physicians may have policies or beliefs that prohibit them from honoring certain wishes made in health care directives. It is important to discuss your wishes with them in advance to determine if they will honor your health care directives. If a physician or provider is unwilling to honor your wishes, the physician or provider must make a good faith effort to refer you to a physician or provider who will meet your needs.

What if I've already prepared a health care document? Is it still good?

Minnesota: Before August 1, 1998, Minnesota law provided for several other types of directives, including living wills, durable health care powers of attorney, and mental health declarations. The law changed so people can use one form for all their health care instructions. Forms created before August 1, 1998, are still legal if they followed the law in effect when written. They are also legal if they meet the requirements of the new law (described above). You may want to review any existing documents to make sure they say what you want and meet all requirements.

Wisconsin: You may want to review any existing documents to make sure they say what you want and meet all requirements.

What should I do with my health care directive after I have signed it?

Minnesota: You should inform others of your health care directive and give people copies of it. You may wish to inform family members, your health care agent or agents, and your health care providers that you have a health care directive. You should give them a copy. It's a good idea to review and update your directive as your needs change. Keep it in a safe place where it is easily found.

Wisconsin: You should keep your health care directive in a safe place where you and others can easily find it. (Do not keep it in a bank safe deposit box.) You should make sure your family members and your attorney, if you have one, know you have made a health care directive and know where it is located. You should also ask your physician or your other health care providers to make your health care directive part of your permanent medical record.

What if I believe a health care provider has not followed health care directive requirements?

Complaints of this type can be filed with the following agencies:

- *Minnesota:* Office of Health Facility Complaints at 651-201-4200 (Metro area) or 1-800-369-7994 toll free.
- *Wisconsin:* Wisconsin Department of Safety and Professional Services at 608-266-2112 or 1-877-617-1565.

What if I believe a health plan has not followed health care directive requirements?

Complaints of this type can be filed with the following agencies:

- *Minnesota:* Minnesota Health Information Clearinghouse at 651-201-5178 or 1-800-657-3793 toll free.
- *Wisconsin:* Wisconsin Office of the Commissioner of Insurance at 1-800-236-8517.

How to obtain additional information

Minnesota: If you want more information about health care directives, please contact your health care provider, your attorney, or Minnesota Board on Aging's Senior LinkAge Line® at 1-800-333-2433 toll free. TTY: Minnesota Relay at 711 or 1-800-627-3529 toll free.

Wisconsin: If you want more information about health care directives, please contact your health care provider, your attorney, or the Coalition of Wisconsin Aging Groups at 1-800-366-2990 toll free. TTY 1-888-758-6047.

Notice of Nondiscrimination

UCare complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability or sex. UCare does not exclude people or treat them differently because of race, color, national origin, age, disability or sex.

We provide aids and services at no charge to people with disabilities to communicate effectively with us, such as TTY line, or written information in other formats, such as large print.

If you need these services, contact us at **612-676-3200 (voice)** or toll free at **1-800-203-7225 (voice)**, **612-676-6810 (TTY)**, or **1-800-688-2534 (TTY)**.

We provide language services at no charge to people whose primary language is not English, such as qualified interpreters or information written in other languages.

If you need these services, contact us at the **number on the back of your membership card** or **612-676-3200** or toll free at **1-800-203-7225 (voice)**; **612-676-6810** or toll free at **1-800-688-2534 (TTY)**.

If you believe that UCare has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability or sex, you can file an oral or written grievance.

Oral grievance

If you are a current UCare member, please call the number on the back of your membership card. Otherwise please call **612-676-3200** or toll free at **1-800-203-7225 (voice)**; **612-676-6810** or toll free at **1-800-688-2534 (TTY)**. You can also use these numbers if you need assistance filing a grievance.

Written grievance

Mailing Address

UCare
Attn: Appeals and Grievances
PO Box 52
Minneapolis, MN 55440-0052
Email: cag@ucare.org
Fax: 612-884-2021

You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at:

U.S. Department of Health and Human Services
200 Independence Avenue SW
Room 509F, HHH Building
Washington, D.C. 20201
1-800-368-1019, 1-800-537-7697 (TDD)

Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html>.

ATENCIÓN: si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 612-676-3200/1-800-203-7225 (TTY: 612-676-6810/1-800-688-2534).

LUS CEEV: Yog tias koj hais lus Hmoob, cov kev pab txog lus, muaj kev pab dawb rau koj. Hu rau 612-676-3200/1-800-203-7225 (TTY: 612-676-6810/1-800-688-2534).

XIYYEEFFANNAA: Afaan dubbattu Oroomiffa, tajaajila gargaarsa afaanii, kanfaltiidhaan ala, ni argama. Bilbilaa 612-676-3200/1-800-203-7225 (TTY: 612-676-6810/1-800-688-2534).

CHÚ Ý: Nếu bạn nói Tiếng Việt, có các dịch vụ hỗ trợ ngôn ngữ miễn phí dành cho bạn. Gọi số 612-676-3200/1-800-203-7225 (TTY: 612-676-6810/1-800-688-2534).

注意：如果您使用繁體中文，您可以免費獲得語言援助服務。請致電 612-676-3200/1-800-203-7225 (TTY: 612-676-6810/1-800-688-2534)。

ВНИМАНИЕ: Если вы говорите на русском языке, то вам доступны бесплатные услуги перевода. Звоните 612-676-3200/1-800-203-7225 (телетайп: 612-676-6810/1-800-688-2534).

ໂປດຊາບ: ຖ້າວ່າ ທ່ານເວົ້າພາສາ ລາວ, ການບໍລິການຊ່ວຍເຫຼືອດ້ານພາສາ, ໂດຍບໍ່ເສັຽຄ່າ, ແມ່ນມີພ້ອມໃຫ້ທ່ານ. ໂທ 612-676-3200/1-800-203-7225 (TTY: 612-676-6810/1-800-688-2534).

ማሳሰቢያ: የሚናገሩት ቋንቋ አማርኛ ከሆነ የትርጉም እርዳታ ድርጅቶቻችን በነጻ ሊያገለግሉት ተዘጋጅተዋል። ወደ ሚክተለው ቁጥር ይደውሉ 612-676-3200/1-800-203-7225 (መስማት ለተሳናቸው: 612-676-6810/1-800-688-2534).

ဟံသာဝတီသုံး-နမ့်ကတိံ ကညိ ကျိာ်အယိံ, နမုန့် ကျိာ်အတိာ်မစၢလၢ တလၢာ်ဘျုးလၢာ်စု နိတမံဘျုးသုန့ၣ်လိံ. ဝိ: 612-676-3200/1-800-203-7225 (TTY: 612-676-6810/1-800-688-2534).

ACHTUNG: Wenn Sie Deutsch sprechen, stehen Ihnen kostenlos sprachliche Hilfsdienstleistungen zur Verfügung. Rufnummer: 612-676-3200/1-800-203-7225 (TTY: 612-676-6810/1-800-688-2534).

ប្រយ័ត្ន: បើសិនជាអ្នកនិយាយភាសាខ្មែរ, រសវាជំនួយវិជ្ជាជីវៈ ដោយមិនគិតល្មម គឺអាចមានសំរាប់ប្រើប្រាស់។ ចូរ ទូរស័ព្ទ 612-676-3200/1-800-203-7225 (TTY: 612-676-6810/1-800-688-2534)។

ملحوظة: إذا كنت تتحدث اذكر اللغة، فإن خدمات المساعدة اللغوية تتوافر لك بالمجان. اتصل برقم 612-676-3200/1-800-203-7225 (رقم هاتف الصم والبكم: 612-676-6810/1-800-688-2534).

ATTENTION : Si vous parlez français, des services d'aide linguistique vous sont proposés gratuitement. Appelez le 612-676-3200/1-800-203-7225 (ATS : 612-676-6810/1-800-688-2534).

주의: 한국어를 사용하시는 경우, 언어 지원 서비스를 무료로 이용하실 수 있습니다. 612-676-3200/1-800-203-7225 (TTY: 612-676-6810/1-800-688-2534) 번으로 전화해 주십시오.

PAUNAWA: Kung nagsasalita ka ng Tagalog, maaari kang gumamit ng mga serbisyo ng tulong sa wika nang walang bayad. Tumawag sa 612-676-3200/1-800-203-7225 (TTY: 612-676-6810/1-800-688-2534).