

Planning in Advance For Your Medical Treatment

Your Right to Decide About Treatment

Adults in New York State have the right to accept or refuse medical treatment, including life-sustaining treatment. Our constitution and state laws protect this right. This means you have the right to request or consent to treatment, to refuse treatments before it has started and to have treatment stopped once it has begun.

Planning in Advance

Sometimes because of illness or injury people are unable to talk to a health care provider to decide about treatment for themselves. You may wish to plan in advance to make sure that your wishes about your treatment will be followed if you become unable to decide for yourself for a short or long period of time. If you do not plan ahead, family members or other people close to you may not be allowed to make decisions for you and follow your wishes.

In New York State, appointing someone you can trust to decide about treatment if you become unable to decide for yourself is the best way to protect your treatment wishes and concerns. You have the right to appoint someone by filling out a form called a Health Care Proxy. A copy of the form and information about Health Care Proxy are available within this publication and may be printed directly from the Department of Health website at www.health.state.ny.us and click on Info for Consumers.

If you have no one you can appoint to decide for you, or you do not want to appoint someone, you can also give specific instruction about treatment in advance. Those instructions can be written and are often referred to as a Living Will.

You should understand that general instructions about refusing treatment, even if written down, may not be effective. Your instructions must clearly and convincingly cover the treatment decisions that must be made. For example, if you just write down that you do not want “heroic measures”, the instructions may not be specific enough. You should say the kind of treatment that you do not want, such as a respirator or chemotherapy, and describe the medical condition when you refuse the treatment, such as terminally ill or permanently unconscious with no hope for recovering. You can also give instructions orally by discussing your treatment wishes with your provider, family members, or others close to you.

Putting things in writing is safer than simply speaking to people, but neither method is as effective as appointing someone to decide for you. It is often hard for people to know in advance what will happen to them or what their medical needs will be in the future. If you choose someone to make decisions for you, that person can talk to your Provider and make decisions that they believe you would have wanted or that are best for you, when needed. If you appoint someone and also leave instructions about treatment in a Living Will, in the space provided in the Health Care Proxy form itself, or in some other manner, the person you select can use these instructions as guidance to make the right decision for you.

Christine Cooley Family Health NP, PLLC (aka the Provider)

Deciding about Cardiopulmonary Resuscitation (CPR)

Your right to decide about treatment also includes the right to decide about cardiopulmonary resuscitation (CPR). CPR is emergency treatment to restart the heart and lungs when your breathing or circulation stops.

Sometimes doctors and patients decide in advance that CPR should not be provided, and the doctor gives the medical staff an order do not resuscitate (DNR). If your physical or mental condition prevents you from deciding about CPR, someone you appoint, your family members or others close to you can decide.

Patients are provided with a description of the state law prepared by the State Health Department entitled “Planning in Advance for Your Medical Treatment”: the publication, “Appointing Your Health Care Agent – New York State’s Proxy Law”, which contains a sample (usable) health care proxy form; and a summary of the Provider’s policy regarding the implementation of these rights.

Ref. 10 NYCRR, 400.21 (d) (1) (i,ii,iii)