

LIFE CARE PLANNING

Advance Directives for Making Your Health Care Decisions

Provided by
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MAIL FORMS TO:

**Arizona Secretary of State
Advance Directive Dept.
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007**

WHAT IS LIFE CARE PLANNING AND WHY IS IT SO IMPORTANT?

Life Care Planning is the process of deciding your medical wishes and who you want to carry them out, in case you are unable to do so. The documents in this packet are meant for you to express your wishes, whatever they may be, so you receive the treatment you want if you can no longer communicate. Hopefully, having your wishes clearly stated will help those close to you avoid the pain of trying to guess what you would or would not want done.

Life Care Planning is an important task for all of us, whether young or old, healthy or facing challenges. None of us knows what life has in store, so taking steps to tell our loved ones of our wishes can make all the difference on our end of life care. Through increased awareness and access to information, Arizonans of all ages can make their choices known about who will manage their medical affairs in the event of an emergency.

WHY DOES THE ARIZONA ATTORNEY GENERAL OFFER THESE FORMS?

The Arizona Attorney General's Office wants to make sure that all Arizonans have access to these free legal documents, all of which are in line with Arizona Law. The Attorney General's Office is just one of several places to get forms and information on life care planning. The Attorney General's Office is not recommending any particular choices but does urge you to think about these choices, discuss them with your loved ones, and complete the right documents for your situation.

The primary role of the Attorney General's Office is to provide legal representation to the State of Arizona, its agencies, and State officials acting in their official capacities. The Office cannot give legal advice or represent private citizens on personal legal matters. If you need help with a personal legal matter—such as filing a lawsuit, creating a will, or defending against a criminal charge—you may want to contact a private attorney.

TALKING WITH OTHERS ABOUT YOUR WISHES

You should consider the people that you can begin your life care planning conversations with. Your medical care is about you - start the conversations with those who can help you consider what medical treatments you may or may not want if you become incapacitated, or as you approach the end of your life.

- **Your Health Care Agent (the person you select to make health care decisions for you)**
- **Your Spouse, Children, Other Relatives, and Close Friends**
- **Your Doctor, Clergy person and Others**

DOCUMENTS INCLUDED IN THIS PACKET

- **Life Care Planning Checklist**
 - This document lists out all the forms in the packet so that you can check off which ones you have completed. If you wish to register your documents with the Arizona Health Care Directives Registry, the checklist will let you know which forms are accepted.
- **Health Care Power of Attorney**
 - This form allows you to select a person to make future medical decisions for you if you become too ill to communicate or cannot make those decisions for yourself.
- **Living Will**
 - This form allows you to list out the type of medical treatments you do or do not want for your end of life care. It should go with your Health Care Power of Attorney form so your agent knows your wishes.
- **Mental Health Care Power of Attorney**
 - This form allows you to select a person to make future mental health care decisions for you in case you become incapable of making those decisions for yourself.
- **Prehospital Medical Care Directives (Do Not Resuscitate)**
 - This form needs to be on orange paper and should be signed by you and your doctor. It informs emergency medical technicians (EMTs) or first responders not to resuscitate you. Sometimes this is called a DNR – Do Not Resuscitate. Please note this is valid prior to going to a hospital, if admitted to a hospital they may require you to fill out another form for their hospital.
- **Registration Agreement**
 - If you would like to register your documents with the Arizona Health Care Directives Registry, you **MUST** fill out this form and submit it with your documents.

WHAT DOES THE LAW SAY?

If you are interested in the laws written about the forms in this packet you can look them up at www.azleg.gov/arstitle/

- **Health Care Power of Attorney:** Arizona Revised Statutes §§ 36-3221 *et seq.*
- **Health Care Directives:** Arizona Revised Statutes §§ 36-3201 *et seq.*
- **Agents or Surrogate Decision-Makers:** Arizona Revised Statutes §§ 36-3231 *et seq.*
- **Living Will:** Arizona Revised Statutes §§ 36-3201 *et seq.* AND §§ 36-3261 *et seq.*
- **Mental Health Care Power of Attorney:** Arizona Revised Statutes §§ 36-3201 *et seq.* AND §§ 36-3281 *et seq.*
- **Prehospital Medical Care Directives (Do Not Resuscitate):** Arizona Revised Statutes § 36-3251.

WHAT TO DO WITH THESE DOCUMENTS IN 4 STEPS

Step 1: Fill out all forms that apply to you and express your wishes for your end of life care.

Read through the documents carefully to select choices that are best suited to your wishes. Each document will need to be notarized OR witnessed. DO NOT have the documents signed by both, just pick one. If you do not know a notary or cannot pay for one a witness is legally accepted.

Witnesses or Notary Public CANNOT be anyone who is:

- (a) under the age of 18
- (b) related to you by blood, adoption, or marriage
- (c) entitled to any part of your estate
- (d) appointed as your agent
- (e) involved in providing your health care at the time this form is signed

Step 2: Keep the originals in a safe place that is easily accessible.

It is important to review your documents from time to time. Give copies to the person you choose as your agent, as well as your doctor and anyone else who may be contacted about your wishes, such as family members and close friends. Keep a few extra copies and be sure to take one with you if you go to a hospital or other health care provider.

Step 3: Register your documents on the Arizona Health Care Directives Registry. (*Optional*)

Send copies of the documents as well as the registration form to the Secretary of State's Office. The address is on the cover of this packet and below.

Arizona Secretary of State
Advanced Directive Dept.
1700 West Washington, 7th Floor
Phoenix, AZ 85007

The purpose of registering Life Care Planning forms is to create a centralized location where your relatives, first responders, a hospital, or other health care facility can access the forms if they are not readily available.

Step 4 – If Needed: Replacing Existing Directives.

If you would like to make changes to your existing documents, you will need to complete any forms that are affected by that change, i.e. change of address, wishes, or agent. It is important that you have a list of people with copies of your documents so that you can send them all an updated version if needed or a letter revoking the forms. The state will accept the most recent version of your documents.

If you have registered your documents with the Registry, you will need to fill out another registration form and indicate that you are replacing or revoking your existing documents in the Registry.

LIFE CARE PLANNING IN OTHER STATES

- If you have advance directives from another state, district, or territory of the US, Arizona Revised Statutes §§ 36-3208 *et seq* says it is “*valid in this state if it was valid in the place where and at the time when it was adopted and only to the extent that it does not conflict with the criminal laws of this state.*”
- If you have Arizona advance directives, you will need to check with the Attorney General’s Office in the other state to find out if they accept Arizona’s documents.

FREQUENTLY ASKED QUESTIONS:

1. Where can I find these free forms?

- You can get copies of this Life Care Planning packet and the individual forms on the Attorney General’s website at <https://www.azag.gov/seniors/life-care-planning>, or by calling the Community Outreach and Education Section at 602-542-2123.

2. If I do not fill out these forms who will make medical decisions for me?

- If you did not leave a Health Care Power of Attorney and there is no court appointed guardian, health care providers will contact the following people, in this order, who will have the authority to make health care decisions for you.
- These people are called "surrogates."
 1. Your spouse, unless you and your spouse are legally separated.
 2. Your adult child. If there is more than one adult child, the health care providers will seek the consent of a majority of the children who are available for consultation.
 3. Your parent.
 4. Your domestic partner if no other person has assumed any financial responsibility for you.
 5. Your brother or sister.
 6. Your close friend.

3. Should I complete a Do Not Resuscitate "DNR" Form?

- If you are healthy and strong, you may not wish to complete a DNR. You can express your wishes about how you want to be cared for should you become seriously ill without completing a DNR. DNRs are most appropriate for people who would probably not do well with CPR (cardiopulmonary resuscitation) because they are very sick, terminally ill or otherwise extremely weak. In any case, you will need to discuss the DNR with your doctor, who will also need to sign the form.

4. At what age should I think about filling out these documents?

- Now, so long as you are at least 18 years of age. It is never too early to be prepared.

5. Will I need a lawyer to fill out these forms?

- No. You do not need a lawyer's help to fill out these documents, but you may wish to consult with a lawyer if you need advice. If you need to find an attorney, you can reach out to these legal services for help:

- **Arizona State Bar**

- (602) 252-4804 or www.azbar.org

For help finding an attorney in your budget, area, and skill in the type of help needed.

- **24-hour Senior HELP LINE**

- Within Maricopa County - (602) 264-HELP / (602) 264-4357
- Outside Maricopa County – toll free - 1-888-264-2258.

There are Area Agency on Aging regional offices designated to serve each Arizona county. See your local telephone book for the closest regional office or go to www.des.az.gov and search Area Agency on Aging for locations.

- **Elder Law Hotline**

- 1-800-231-5441

Free legal advice, information, and referrals provided to Arizona residents 60 years of age or older, or to family members calling on behalf of a senior. Attorneys do not provide services in criminal matters, and do not represent clients in court proceedings. They give advice, information, and referrals on a wide variety of legal matters important to seniors. Funded by the Arizona Supreme Court and operated by Southern Arizona Legal Aid, Inc.

WALLET-SIZED NOTICE:

Complete and cut out the notice below. Keep it in your wallet with your driver's license and insurance cards so that law enforcement and medical personnel will know who to contact for copies of your advanced directives.

NOTICE IN CASE OF ACCIDENT OR
EMERGENCY:

My Name:

Date:

I have signed the following forms: (check)

- Health Care Power of Attorney
- Living Will
- Mental Health Care Power of Attorney
- Prehospital Medical Directive (Do Not Resuscitate)

Please contact the following for copies:

Name:

Telephone: