

# Advance Health Care Directives in North Carolina

North Carolina Secretary of State's Office

# Advance Health Care Directives

- Power of Attorney
- Advance Directive for a Natural Death (Living Will)
- Advance Instruction for Mental Health Treatment
- Organ/Tissue Donor Card



# Power of Attorney

- Appoints a proxy decision maker if the principal is incompetent
- Proxy can consent to treatment, mental health treatment, withhold/withdraw life prolonging treatment, organ donation and disposition of remains



[ilove2paint.blogspot.com](http://ilove2paint.blogspot.com)

# Advance Directive for a Natural Death (Living Will)

- Only governs life prolonging measures
- Three situations where individual can decline these measures in advance:
  - Patient is suffering from incurable or irreversible condition that will result in death within a short period of time
  - Unconscious and will not regain consciousness
  - Suffers from advance dementia, substantial loss of cognitive ability
- The attending physician must determine that one of the three situations has occurred AND a second physician must confirm

# Advance Directive for a Natural Death & Power of Attorney

- Ideally, they should not conflict
- Patient can choose which one will trump the other
- If not designated, the advance directive for a natural death will trump the power of attorney

# Advance Instruction for Mental Health Treatment

- Mental Health Treatment: providing for the physical, emotional, psychological and social needs of the principal. Includes electroconvulsive treatment, psychotropic medication, admission and retention in a facility for care or treatment of mental illness
  - Can indicate medication preferences and facility preferences
  - Notes on causes of mental health crisis, what can help avoid hospitalization, general reactions to hospitalization, how the staff can assist and people who may visit the facility
- Effective: in the opinion of a physician or eligible psychologist the person currently lacks sufficient understanding or capacity to make and communicate mental health treatment decisions.
- Revocation: once enacted, the agent *can continue to act despite* the refusal of the principal. They are *irrevocable* until the principal is competent

# Organ/Tissue Donor

- North Carolina
- Organ/Tissue Donor Card
- 
- I wish to donate my organs and tissues. I wish to give: any needed organs and tissues; or only the following organs and tissues: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- Donor Signature \_\_\_\_\_ Date \_\_\_\_\_
- 
- Witness \_\_\_\_\_
- Witness \_\_\_\_\_



# Execution of Forms

- Advance Directive for a Natural Death (Living Will):
  - Complete, sign and have signature witnessed by two qualified witnesses and proved by a notary public. Do not sign form until the two witnesses and the notary public are present to witness the signature.
- Health Care Power of Attorney: Designates an individual to be your health care agent. The health care agent can make any health care decision you could make yourself.
  - Complete, sign and have signature witnessed by two qualified witnesses and proved by notary public. Do not sign until two witnesses and a notary public are present to witness the signature.





- Visit [www.sosnc.com](http://www.sosnc.com) to download the forms. They are compliant with North Carolina statutes.



# Registry



Print the Registration Form, available at  
[www.sosnc.com](http://www.sosnc.com)

Complete the registration form and submit a \$10 fee for  
processing and filing each document

Mail the registration form(s) and the document(s) and  
the fee to:

North Carolina Secretary of State  
Advance Health Care Directive Registry  
P.O. Box 29622  
Raleigh, NC 27626

# Trainings and Resources

- North Carolina Partnership for Compassionate Care:  
[www.ncmedsoc.org](http://www.ncmedsoc.org)
- Respecting Choices:  
<http://www.gundersenhealth.org/respecting-choices>
- Got Plans? [Gotplans123.org](http://gotplans123.org)
- Begin the Conversation:  
[begintheconversation.org](http://begintheconversation.org)
- Clinics across the state:
  - Call NC Bar Association
  - Call local hospitals for information
  - Call local End of Life Care Coalitions

The Carolinas Center

[www.carolinasendoflifecare.org](http://www.carolinasendoflifecare.org)

800-662-8859

LifeShare of the Carolinas & Eye Bank

[www.lifesharecarolinas.org](http://www.lifesharecarolinas.org)

800-932-4483

National Marrow Donor Program

[www.marrow.org](http://www.marrow.org)

800-627-7692

North Carolina Eye Bank [www.nceyebank.org](http://www.nceyebank.org)

336-765-0932

North Carolina Lions Foundation, Inc.

[www.nclf.org](http://www.nclf.org)

800-662-7401

Organ/Tissue Donor Information:

Carolina Donor Services

[www.carolinadonorservices.org](http://www.carolinadonorservices.org)

800-200-2672

United Network for Organ Sharing [www.unos.org](http://www.unos.org)

888-894-6361

Donate Life NC [www.donatelifenc.org](http://www.donatelifenc.org)

919-451-7893



# Recent News and Updates



- Reimbursement
  - 2014: CMS established billing codes for advance care planning
  - 2015: CMS proposes rule for reimbursement for advance care planning.
  - First thirty minutes: Code 99497, second thirty minutes: 99498. Conversation can occur with the patient, a family member or a surrogate.
  - The code number can be used multiple times.
  - No specific dollar amount announced
  - Final decision expected November 2015, Reimbursement could begin January 2016

# Next Steps

- Reimbursement
- Cultural Acceptance
- Accessibility
- Acknowledgement