

This handout is optional. It is intended for Assisted Living Facilities to keep on hand and/or distribute to residents and their families and caregivers. It can also be used to start discussions with a family council, hold educational events for staff, or stimulate thought and conversation among residents.

COLORADO LAW IN PLAIN ENGLISH

1. Under United States and Colorado law you have the right to refuse any kind of medical treatment that you do not want, including artificial life support. Sometimes people are afraid that once they start using life support they won't legally be able to stop it, but this is not true. It is up to the patient to give "informed consent" or "informed refusal" to any treatment at any time. It is not legally considered to be euthanasia or assisted suicide to make an informed refusal of treatment, life support or tube feeding.
2. What happens if you are not able to make your own medical decisions? Colorado law still protects your rights. You can give instructions, in advance, about your medical care. By signing papers called "ADVANCE DIRECTIVES," you provide guidelines for your doctors and your family about how far they should go in your treatment, and about what kinds of treatment you would -- or would not -- want.
3. Colorado has three kinds of ADVANCE DIRECTIVES. The first is a LIVING WILL, and although the term is fairly well known, it actually is much narrower than many people realize. In a LIVING WILL you can declare your desires regarding the use or withdrawal of artificial life support, including artificial nourishment. However, it applies ONLY to artificial life support, not to drugs or surgery or other kinds of treatment, and it only works when you are in a "terminal" condition. It requires two physicians to certify the "terminal" condition, and some LIVING WILLS do not

go into effect until you have been unconscious for seven days.

4. A MEDICAL DURABLE POWER OF ATTORNEY is much broader. It applies whenever you are incapacitated; it is not limited to "terminal" conditions or artificial life support. Basically, it is a deputy's badge. You appoint someone you trust to be your AGENT to talk with your doctor and exercise your right to make choices. You can express your desires about artificial life support PLUS all other kinds of treatment and personal care decisions including surgery, medications, antibiotics, blood transfusions, transfers into or out of the hospital, and residence in a residential care facility.

A MEDICAL DURABLE POWER OF ATTORNEY can be written to reflect your own personal values about "quality of life," the religious or spiritual guidelines you use, your views about hospice care, mental health treatment, long-term care and other individual concerns. Although "boilerplate" forms are available, we believe that PERSONALIZED MEDICAL DURABLE POWERS OF ATTORNEY are better.

5. The third kind of Colorado ADVANCE DIRECTIVE is called a CPR DIRECTIVE. It directs emergency and other health care personnel not to perform cardiopulmonary resuscitation (CPR) on you. It ONLY applies to CPR, however, and it will not keep you from getting other kinds of treatment and ordinary medical care. If you do not have a CPR DIRECTIVE and your breathing stops because of your disease or medical condition, or in an emergency, your consent for CPR is presumed.
6. The person you name as your AGENT in your MEDICAL DURABLE POWER OF ATTORNEY does not have to be a relative or a Colorado resident, but should be someone you trust to make the same decisions you would make under the same circumstances. This is called the doctrine of "substituted judgment," and it means that your AGENT steps into your shoes and does what YOU would do, even if (s)he personally would not agree with your choice.

7. In addition to naming an AGENT, you can also appoint someone to be the alternate or SUCCESSOR AGENT, if the main AGENT is not available when a decision is needed.
8. The most important thing to do with all ADVANCE DIRECTIVES is COMMUNICATE about them with your AGENT and all your family members. It is unfair to ask your family and caregivers to make such important decisions if they do not know what you want. Furthermore, many studies demonstrate that it is unrealistic to assume that your family already knows what your instructions would be, even if you think they do. Everyone has different and unique ideas about "quality of life." Many people believe that close relatives naturally know each other's "quality of life" standards, but surprisingly discover disagreements after it is too late
9. Any ADVANCE DIRECTIVE can be changed, revoked, or cancelled, if you change your mind.
10. Whether or not you have ADVANCE DIRECTIVES, what you say personally to your doctor stills matter. It is always a good idea to communicate with your doctor face-to-face, whenever possible, about your treatment wishes.
11. Any type of ADVANCE DIRECTIVE can be used to express your preferences about organ donation.
12. Deciding to stop using artificial life support is not the same thing as committing euthanasia. Euthanasia means that someone takes action (like giving you an injection or pills) for the specific purpose of ending your life. In other words, you would not die without that additional act. In contrast, refusal of life support means only that you have decided not to fight the course of your disease any longer. Your death will occur whenever it naturally would without the use of machines, and you can still receive comfort care.

13. It is crucial to know what will happen if you do not have ADVANCE DIRECTIVES. Two other Colorado laws come into play and control who will speak for you, and make choices if you cannot speak for yourself. These are the "proxy law" and the "guardian law."
14. Under the Colorado "proxy law," if you have not appointed an AGENT yourself, and a medical treatment choice becomes necessary, a substitute decision-maker called a "PROXY" will be chosen for you by the adults in your immediate family and close friends. None of them have priority over any others; even your spouse is on the same level when it comes to voting for who will be the "PROXY."
15. Under the Colorado "guardian law," a court appoints someone to be your GUARDIAN and to act as your decision-maker. A "GUARDIAN," is chosen by the judge after a formal procedure that can be both time-consuming and expensive.

REMEMBER:

EXERCISING YOUR RIGHTS, SHAPING YOUR GUIDELINES, AND EXPRESSING YOUR WISHES ABOUT FUTURE MEDICAL TREATMENT ARE VERY PERSONAL PREFERENCES. LET YOUR DOCTORS, YOUR FAMILY AND YOUR CAREGIVERS KNOW WHAT YOU WANT THEM TO DO.