# RHODE ISLAND
# Advance Directive
# Planning for Important Health Care Decisions

*Caring Connections*
*1731 King St., Suite 100, Alexandria, VA 22314*
*www.caringinfo.org*
*800/658-8898*

Caring Connections, a program of the National Hospice and Palliative Care Organization (NHPCO), is a national consumer engagement initiative to improve care at the end of life.

### It's About How You LIVE

*It's About How You LIVE* is a national community engagement campaign encouraging individuals to make informed decisions about end-of-life care and services. The campaign encourages people to:

**L**earn about options for end-of-life services and care
**I**mplement plans to ensure wishes are honored
**V**oice decisions to family, friends and health care providers
**E**ngage in personal or community efforts to improve end-of-life care

**Note:** The following is not a substitute for legal advice. While Caring Connections updates the following information and form to keep them up-to-date, changes in the underlying law can affect how the form will operate in the event you lose the ability to make decisions for yourself. If you have any questions about how the form will help ensure your wishes are carried out, or if your wishes do not seem to fit with the form, you may wish to talk to your health care provider or an attorney with experience in drafting advance directives.

## Using these Materials

**BEFORE YOU BEGIN**

1. Check to be sure that you have the materials for each state in which you may receive health care.

2. These materials include:
    - Instructions for preparing your advance directive, please read all the instructions.
    - Your state-specific advance directive forms, which are the pages with the gray instruction bar on the left side.

**ACTION STEPS**

1. You may want to photocopy or print a second set of these forms before you start so you will have a clean copy if you need to start over.

2. When you begin to fill out the forms, refer to the gray instruction bars — they will guide you through the process.

3. Talk with your family, friends, and physicians about your advance directive. Be sure the person you appoint to make decisions on your behalf understands your wishes.

4. Once the form is completed and signed, photocopy the form and give it to the person you have appointed to make decisions on your behalf, your family, friends, health care providers, and/or faith leaders so that the form is available in the event of an emergency.

5. You may also want to save a copy of your form in an online personal health records application, program, or service that allows you to share your medical documents with your physicians, family, and others who you want to take an active role in your advance care planning.

## INTRODUCTION TO YOUR RHODE ISLAND ADVANCE DIRECTIVE

This packet contains a legal document, a **Rhode Island Advance Directive**, that protects your right to refuse medical treatment you do not want, or to request treatment you do want, in the event you lose the ability to make decisions yourself. You may complete Part I, Part II, or both, depending on your advance-planning needs. You must complete Part III.

**Part I** contains a **Rhode Island Durable Power of Attorney for Health Care**. This part lets you name someone to make decisions about your medical care—including decisions about life-sustaining procedures—if you can no longer speak for yourself. The durable power of attorney for health care is especially useful because it appoints someone to speak for you any time you are unable to make your own medical decisions, not only at the end of life.

Your durable power of attorney for health care goes into effect when your doctor determines that you are no longer able to make or communicate your health care decisions.

**Part II** contains a **Rhode Island Declaration**, which is your state's living will. Your declaration lets you state your wishes about health care in the event that you can no longer make your own health care decisions and you are terminally ill.

Your living will goes into effect when your doctor determines that you are no longer able to make or communicate your health care decisions and you are terminally ill.

**Part III** contains the signature and witnessing provisions so that your document will be effective.

This form does not expressly address mental illness. If you would like to make advance care plans regarding mental illness, you should talk to your physician and an attorney about an advance directive tailored to your needs.

*Note: This document will be legally binding only if the person completing it is an individual of sound mind who is 18 years or older.*

## Completing Your Rhode Island Advance Directive

### How do I make my Rhode Island Advance Directive legal?

If you complete Part I (Durable Power of Attorney), this document must be either

1. Witnessed by two (2) qualified adult witnesses. None of the following may be a witness:
    1. A person you designate as your agent or alternate agent,
    2. A health care provider,
    3. An employee of a health care provider,
    4. The operator of a community care facility,
    5. An employee of an operator of a community care facility.

    In addition, one of your witnesses must be unrelated to you and not entitled to any portion of your estate.

    OR

2. Witnessed by a notary public. Your Notary Public must be unrelated to you and not entitled to any portion of your estate.

If you complete Part II (Declaration), you must have your advance directive witnessed by two (2) qualified adult witnesses, both of whom must be unrelated to you and not entitled to any portion of your estate. If you completed ONLY Part II, your witnesses are subject only to the restriction that they must be unrelated to you and not entitled to any portion of your estate.

### Whom should I appoint as my agent?

Your agent is the person you appoint to make decisions about your health care if you become unable to make those decisions yourself. Your agent may be a family member or a close friend whom you trust to make serious decisions. The person you name as your agent should clearly understand your wishes and be willing to accept the responsibility of making health care decisions for you.

You can appoint a second person as your alternate agent. The alternate will step in if the first person you name as an agent is unable, unwilling, or unavailable to act for you.

The person you appoint as your agent **cannot** be:

- your treating health care provider,
- an employee of your treating health care provider who is not related to you,
- an operator of a community care facility, or
- an employee of an operator of a community care facility who is not related to you.

## Should I add personal instructions to my Rhode Island Advance Directive?

One of the strongest reasons for naming an agent is to have someone who can respond flexibly as your health care situation changes and deal with situations that you did not foresee. If you add instructions to this document it may help your agent carry out your wishes, but be careful that you do not unintentionally restrict your agent's power to act in your best interest. In any event, be sure to talk with your agent about your future medical care and describe what you consider to be an acceptable "quality of life."

## What if I change my mind?

You may revoke your Rhode Island Advance Directive at any time and in any manner, regardless of your mental or physical condition. Your revocation becomes effective once you, or a witness to your revocation, communicate it to your doctor or any health care provider.

PART I

## PART I: DURABLE POWER OF ATTORNEY FOR HEALTH CARE

This is an important legal document which is authorized by the general laws of this state. Before executing this document, you should know these important facts:

You must be at least eighteen (18) years of age and a resident of the state of Rhode Island for this document to be legally valid and binding.

This document gives the person you designate as your agent (the attorney in fact) the power to make health care decisions for you. Your agent must act consistently with your desires as stated in this document or otherwise made known.

NOTICE

Except as you otherwise specify in this document, this document gives your agent the power to consent to your doctor not giving treatment or stopping treatment necessary to keep you alive.

Notwithstanding this document, you have the right to make medical and other health care decisions for yourself so long as you can give informed consent with respect to the particular decision. In addition, no treatment may be given to you over your objection at the time, and health care necessary to keep you alive may not be stopped or withheld if you object at the time.

This document gives your agent authority to consent, to refuse to consent, or to withdraw consent to any care, treatment, service, or procedure to maintain, diagnose, or treat a physical or mental condition. This power is subject to any statement of your desires and any limitation that you include in this document. You may state in this document any types of treatment that you do not desire. In addition, a court can take away the power of your agent to make health care decisions for you if your agent:

(1) Authorizes anything that is illegal,
(2) Acts contrary to your known desires, or
(3) Where your desires are not known, does anything that is clearly contrary to your best interests.

Unless you specify a specific period, this power will exist until you revoke it. Your agent's power and authority ceases upon your death except to inform your next of kin of your desire to be an organ and tissue donor.



You have the right to revoke the authority of your agent by notifying your agent or your treating doctor, hospital, or other health care provider orally or in writing of the revocation.

NOTICE (CONTINUED)

Your agent has the right to examine your medical records and to consent to their disclosure unless you limit this right in this document.

This document revokes any prior durable power of attorney for health care.

You should carefully read and follow the witnessing procedure described at the end of this form. This document will not be valid unless you comply with the witnessing procedure.

If there is anything in this document that you do not understand, you should ask a lawyer to explain it to you.

Your agent may need this document immediately in case of an emergency that requires a decision concerning your health care. Either keep this document where it is immediately available to your agent and alternate agents or give each of them an executed copy of this document. You may also want to give your doctor an executed copy of this document.

PRINT YOUR NAME AND ADDRESS

PRINT THE NAME, ADDRESS, AND TELEPHONE NUMBERS OF YOUR AGENT

**1.** DESIGNATION OF HEALTH CARE AGENT.

I, _____,
(name)

_____
(address)

do hereby designate and appoint: _____
(name of agent)

_____
(address)

_____
(home telephone number) (work telephone number)

*(insert name, address, and telephone number of one individual only as your agent to make health care decisions for you. None of the following may be designated as your agent: (1) your treating health care provider, (2) a non-relative employee of your treating health care provider, (3) an operator of a community care facility, or (4) a non-relative employee of an operator of a community care facility.)* as my attorney in fact (agent) to make health care decisions for me as authorized in this document. For the purposes of this document, "health care decision" means consent, refusal of consent, or withdrawal of consent to any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition.

**2**. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE. By this document I intend to create a durable power of attorney for health care.

**3**. GENERAL STATEMENT OF AUTHORITY GRANTED. Subject to any limitations in this document, I hereby grant to my agent full power and authority to make health care decisions for me to the same extent that I could make such decisions for myself if I had the capacity to do so. In exercising this authority, my agent shall make health care decisions that are consistent with my desires as stated in this document or otherwise made known to my agent, including, but not limited to, my desires concerning obtaining or refusing or withdrawing life-prolonging care, treatment, services, and procedures and informing my family or next of kin of my desire, if any, to be an organ or tissue donor. *(If you want to limit the authority of your agent to make health care decisions for you, you can state the limitations in paragraph 4 ["Statement of Desires, Special Provisions, and Limitations"] below. You can indicate your desires by including a statement of your desires in the same paragraph.)*

4. STATEMENT OF DESIRES, SPECIAL PROVISIONS, AND LIMITATIONS. *(Your agent must make health care decisions that are consistent with your known desires. You can, but are not required to, state your desires in the space provided below. You should consider whether you want to include a statement of your desires concerning life-prolonging care, treatment, services, and procedures. You can also include a statement of your desires concerning other matters relating to your health care. You can also make your desires known to your agent by discussing your desires with your agent or by some other means. If there are any types of treatment that you do not want to be used, you should state them in the space below. If you want to limit in any other way the authority given your agent by this document, you should state the limits in the space below. If you do not state any limits, your agent will have broad powers to make health care decisions for you, except to the extent that there are limits provided by law.)*

ADD OTHER INSTRUCTIONS, IF ANY, REGARDING YOUR ADVANCE CARE PLANS

THESE INSTRUCTIONS CAN FURTHER ADDRESS YOUR HEALTH CARE PLANS, SUCH AS YOUR WISHES REGARDING HOSPICE TREATMENT, BUT CAN ALSO ADDRESS OTHER ADVANCE PLANNING ISSUES, SUCH AS YOUR BURIAL WISHES

ATTACH ADDITIONAL PAGES IF NEEDED

In exercising the authority under this durable power of attorney for health care, my agent shall act consistently with my desires as stated below and is subject to the special provisions and limitations stated below:

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***(You may attach additional pages if you need more space to complete your statement. If you attach additional pages, you must date and sign EACH of the additional pages at the same time you date and sign this document.)***

If you wish to make a gift of any bodily organ you may do so pursuant to the Uniform Anatomical Gift Act.

INITIAL ONLY ONE

____ I do not want to be an organ donor.

____ I want to be an organ donor. In the event of my death I request that my agent inform my family/next of kin of my desires to be an organ and tissue donor if possible. My wishes are indicated below.

YOU MAY SPECIFY HERE ANY ADDITIONAL DESIRES REGARDING THE PERMITTED USES FOR YOUR ORGANS/TISSUES (E.G., TRANSPLANT, RESEARCH, ANY USE)

I wish to give:

____ any needed organs/ tissues: or

____ only the following organs/tissues:_____

_____

Additional Desires:_____

_____

5. INSPECTION AND DISCLOSURE OF INFORMATION RELATING TO MY PHYSICAL OR MENTAL HEALTH. Subject to any limitations in this document, my agent has the power and authority to do all of the following:

a. Request, review, and receive any information, verbal or written, regarding my physical or mental health, including, but not limited to, medical and hospital records.

b. Execute on my behalf any releases or other documents that may be required in order to obtain this information.

c. Consent to the disclosure of this information. *(If you want to limit the authority of your agent to receive and disclose information relating to your health, you must state the limitations in paragraph 4 ["Statement of desires, special provisions, and limitations"])*

6. SIGNING DOCUMENTS, WAIVERS, AND RELEASES. Where necessary to implement the health care decisions that my agent is authorized by this document to make, my agent has the power and authority to execute on my behalf all of the following:

a. Documents titled or purporting to be a "Refusal to Permit Treatment" and "Leaving Hospital Against Medical Advice."

b. Any necessary waiver or release from liability required by a hospital or physician.

FILL IN THIS SPACE ONLY IF YOU WANT THE AUTHORITY OF YOUR AGENT TO END ON A SPECIFIC DATE

7. DURATION. *(Unless you specify a shorter period in the space below, this power of attorney will exist until it is revoked.)*
This durable power of attorney for health care expires on

_____

*(Fill in this space ONLY if you want the authority of your agent to end on a specific date.)*

8. DESIGNATION OF ALTERNATE AGENTS. *(You are not required to designate any alternate agents but you may do so. Any alternate agent you designate will be able to make the same health care decisions as the agent you designated in paragraph 1, above, in the event that agent is unable or ineligible to act as your agent. If the agent you designated is your spouse, he or she becomes ineligible to act as your agent if your marriage is dissolved.)*

If the person designated as my agent in paragraph 1 is not available or becomes ineligible to act as my agent to make a health care decision for me or loses the mental capacity to make health care decisions for me, or if I revoke that person's appointment or authority to act as my agent to make health care decisions for me, then I designate and appoint the following persons to serve as my agent to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:

IF YOU WANT TO APPOINT ALTERNATE AGENTS, PRINT THEIR NAMES, ADDRESSES AND TELEPHONE NUMBERS HERE

A. First Alternate Agent: _____
(name of first agent)

_____

_____
(Insert address, and telephone number of first alternate agent.)

B. Second Alternate Agent: _____
(name of second alternate agent)

_____

_____
(Insert name, address, and telephone number of second alternate agent.)

9. PRIOR DESIGNATIONS REVOKED. I revoke any prior durable power of attorney for health care.

PART II

PRINT YOUR NAME

## PART II: DECLARATION (LIVING WILL)

I, _____,
(name)
being of sound mind, willfully and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, do hereby declare:

If I should have an incurable or irreversible condition that, without the administration of life-sustaining procedures, will cause my death, and if I am unable to make decisions regarding my medical treatment, I direct my attending physician to withhold or withdraw procedures that merely prolong the dying process and are not necessary to my comfort, or to alleviate pain.

INITIAL ONLY ONE CHOICE REGARDING ARTIFICIAL FEEDING

This authorization (initial only one option)
_____ includes the withholding or withdrawal of artificial feeding.
_____ does not include the withholding or withdrawal of artificial feeding.

ADD OTHER INSTRUCTIONS, IF ANY, REGARDING YOUR ADVANCE CARE PLANS

THESE INSTRUCTIONS CAN FURTHER ADDRESS YOUR HEALTH CARE PLANS, SUCH AS YOUR WISHES REGARDING HOSPICE TREATMENT, BUT CAN ALSO ADDRESS OTHER ADVANCE PLANNING ISSUES, SUCH AS YOUR BURIAL WISHES

Other directions:

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ATTACH ADDITIONAL PAGES IF NEEDED

*(You may attach additional pages if you need more space to complete your statement. If you attach additional pages, you must date and sign EACH of the additional pages at the same time you date and sign this document.)*

If you complete Part I, this document must be either

1. Witnessed by two (2) qualified adult witnesses. None of the following may be used as a witness:
    6. A person you designate as your agent or alternate agent,
    7. A health care provider,
    8. An employee of a health care provider,
    9. The operator of a community care facility,
    10. An employee of an operator of a community care facility.

In addition, one of your witnesses must be unrelated to you and not entitled to any portion of your estate.

OR

2. Witnessed by a notary public.

If you complete Part II, you must have your advance directive witnessed by two (2) qualified adult witnesses, both of whom must be unrelated to you and not entitled to any portion of your estate. If you completed ONLY Part II, your witnesses are subject only to the restriction that they must be unrelated to you and not entitled to any portion of your estate.

IF YOU HAVE YOUR SIGNATURE WITNESSED, USE ALTERNATIVE NO. 1 (P. 9)

IF YOU HAVE YOUR SIGNATURE NOTARIZED USE ALTERNATIVE NO. 2 (P. 10)

IF YOU COMPLETE PART II, YOU MUST HAVE YOUR ADVANCE DIRECTIVE WITNESSED BY TWO (2) QUALIFIED ADULT WITNESSES

IF YOU HAVE ATTACHED ANY ADDITIONAL PAGES TO THIS FORM, YOU MUST DATE AND SIGN EACH OF THE ADDITIONAL PAGES AT THE SAME TIME YOU DATE AND SIGN THIS ADVANCE DIRECTIVE.

**Alternative No. 1. Sign Before Witnesses.**

PRINT YOUR NAME, THE DATE AND LOCATION

I _____(print name),

sign my name to this advance directive on

_____ at _____,_____.
(date) (city) (state)

SIGN HERE

_____
(Principal/Declarant Signature)

I declare under penalty of perjury that the person who signed or acknowledged this document is personally known to me to be the principal, that the principal/declarant signed or acknowledged this advance directive in my presence, and that the principal/declarant appears to be of sound mind and under no duress, fraud, or undue influence.

YOUR WITNESSES MUST SIGN, DATE AND PRINT THEIR NAMES AND ADDRESSES HERE

Signature: _____Date_____

Print Name: _____

Residence Address: _____

Signature: _____Date_____

Print Name: _____

Residence Address: _____

IF YOU COMPLETED PART I, YOUR WITNESSES MUST SIGN HERE

I further attest that I am not the person appointed as attorney in fact by this document, and that I am not a health care provider; an employee of a health care provider; the operator of a community care facility; nor an employee of an operator of a community care facility.

Signature: _____Date_____

Signature: _____Date_____

IF YOU COMPLETED PART I, AT LEAST ONE OF YOUR WITNESSES MUST SIGN HERE
IF YOU COMPLETED PART II, BOTH OF YOUR WITNESSES MUST SIGN HERE

I further attest that I am not related to the principal by blood, marriage, or adoption, and, to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: _____Date_____

Signature: _____Date_____

**Alternative No. 2. Sign Before a Notary Public**

PRINT YOUR NAME, THE DATE AND LOCATION

I _____(print name),

sign my name to this advance directive on

_____ at _____,_____.
(date) (city) (state)

SIGN HERE

_____
(Principal/Declarant Signature)

Notary Public

_____ COUNTY,

A NOTARY PUBLIC MUST FILL OUT THIS PORTION OF YOUR FORM

In the City/Town of _____ and County and State aforesaid, on the

_____ day of _____ , 20 _____ , personally came

_____ ,
that the principal/declarant signed or acknowledged this advance directive in my presence, and that the principal appears to be of sound mind and under no duress, fraud, or undue influence. I further attest that I am not related to the principal by blood, marriage, or adoption, and, to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

IF YOU COMPLETE PART II, YOU MUST HAVE YOUR ADVANCE DIRECTIVE WITNESSED BY TWO (2) QUALIFIED ADULT WITNESSES

_____
NOTARY PUBLIC

Commission expiration date: _____

_____Personally know by me

_____Produced identification



*Courtesy of Caring Connections*
*1731 King St., Suite 100, Alexandria, VA 22314*
*www.caringinfo.org, 800/658-8898*

## You Have Filled Out Your Health Care Directive, Now What?

1. Your Rhode Island Advance Directive is an important legal document. Keep the original signed document in a secure but accessible place. Do not put the original document in a safe deposit box or any other security box that would keep others from having access to it.

2. Give photocopies of the signed original to your agent and alternate agent, doctor(s), family, close friends, clergy, and anyone else who might become involved in your health care. If you enter a nursing home or hospital, have photocopies of your document placed in your medical records.

3. Be sure to talk to your agent(s), doctor(s), clergy, family, and friends about your wishes concerning medical treatment. Discuss your wishes with them often, particularly if your medical condition changes.

4. You may also want to save a copy of your form in an online personal health records application, program, or service that allows you to share your medical documents with your physicians, family, and others who you want to take an active role in your advance care planning.

5. If you want to make changes to your documents after they have been signed and witnessed, you must complete a new document.

6. Remember, you can always revoke your Rhode Island document.

7. Be aware that your Rhode Island document will not be effective in the event of a medical emergency. Ambulance and hospital emergency department personnel are required to provide cardiopulmonary resuscitation (CPR) unless they are given a separate directive that states otherwise. These directives called "prehospital medical care directives," "do not resuscitate orders," or "medical orders for life sustaining treatment (MOLST)" are designed for people whose poor health gives them little chance of benefiting from CPR. These directives instruct ambulance and hospital emergency personnel not to attempt CPR if your heart or breathing should stop.
   Currently not all states have laws authorizing these orders. We suggest you speak to your physician if you are interested in obtaining one. Caring Connections does not distribute these forms.