

Optional Form, Combined Health Care Power of Attorney and Health Care Instructions

This form is similar, but not identical, to the form included in New Mexico's Uniform Health-Care Decisions Act.

OPTIONAL ADVANCE HEALTH CARE DIRECTIVE FORM

This form lets you give instructions about your own health care and/or name someone else (an agent) to make health care decisions for you if you become unable to make your own decisions. You may fill out some or all of this form. You may change all or any part of it, or use a different form. If you have already signed a durable power of attorney for health care and/or a right to die statement (living will), these are still valid. If you wish to combine the health care instructions found in these documents, you may use this optional form.

If you do fill out this form, be sure to sign and date it. You have the right to revoke (cancel) or replace this form at any time. Give copies of this signed form to your health care providers and institutions, any health care agents you name, and your family and friends.

THIS FORM IS OPTIONAL. You do not have to use any form; instead, you may tell your doctor who you want to make health care decisions for you. If you have not signed a form or told your doctor who you want to make your health care decisions, New Mexico law allows these people, in the following order, to make your health care decisions (if these people are reasonably available): 1) spouse, 2) significant other, 3) adult child, 4) parent, 5) adult brother or sister, 6) grandparent, 7) close friend.

*You may name another person as your agent to make health care decisions for you if you become incapable of making your own decisions. This is called a **durable power of attorney for health care**. You should talk to the person you name as agent to make sure he or she understands your wishes and is willing to act as your agent. You may also name alternative agents if your first choice cannot or will not make health care decisions for you. Unless related to you, your agent may **NOT** be an owner, operator or employee of a health care institution at which you are receiving care.*

This form has a place for you to limit the authority of your agent. If you do not limit your agent's authority, your agent may make all health care decisions for you.

(1) DESIGNATION OF AGENT: I appoint the following person as my agent to make health care decisions for me:

.....
(name of agent)

.....
(address)

(city) (state) (zip code)

(home phone) (work phone)

If I revoke my agent's authority or if my agent cannot or will not make a health care decision for me, then I appoint these persons as my alternative agents, to serve in the following order:

(name of first alternative agent)

(address)

(city) (state) (zip code)

(home phone) (work phone)

(name of second alternative agent)

(address)

(city) (state) (zip code)

(home phone) (work phone)

(2) AGENT'S AUTHORITY: My agent is authorized to obtain and review medical records, reports and information about me, including protected health information under HIPAA Privacy Regulations and other federal and state laws, AND to make all health care decisions for me, except as I state here:

(Add additional pages if needed)

If you do not limit your agent's authority, your agent will have the right to consent or refuse to consent to any medical care, treatment, service or procedure, such as:

- (1) selection and discharge of health care providers and institutions, and decisions regarding hospitalization, nursing care, and home health care;

- (2) approval or disapproval of diagnostic tests, surgical procedures, programs of medication, and orders not to resuscitate;
- (3) directions relating to life-sustaining treatment, including withholding or withdrawing life-sustaining treatment and the termination of life support; and
- (4) directions to provide, withhold or withdraw artificial nutrition and hydration and all other forms of health care.

(3) AGENT'S RESPONSIBILITY: My agent shall make health care decisions for me based on this durable power of attorney for health care, any specific health care instructions I give and my other wishes to the extent known to my agent. If my wishes are unknown and cannot be determined, my agent shall make health care decisions for me based on my best interest. In determining my best interest, my agent shall consider my personal values to the extent known.

(4) WHEN AGENT'S AUTHORITY BECOMES EFFECTIVE: My agent's authority becomes effective when my primary physician and one other qualified health care professional determine that I lack the capacity to make and communicate my own health care decisions.

(5) DURABILITY: This advance directive for health care, including but not limited to the power of attorney, shall remain in effect despite my later incapacity. This advance directive, including but not limited to the power of attorney, remains in effect from the date it was signed unless I revoke it or die.

(6) END-OF-LIFE DECISIONS: If I am unable to make or communicate decisions regarding my health care, and **IF:** (a) I have an incurable and irreversible condition that will result in my death within a relatively short time; OR (b) I become unconscious and, to a reasonable degree of medical certainty, I will not regain consciousness, OR (c) the likely risks and burdens of treatment would outweigh the expected benefits, **THEN** I direct that my health care providers and others involved in my care provide, withhold or withdraw treatment in accordance with the choice I have initialed below in *one* of the following three boxes:

Initial
only
one
box

(a) I Choose To Prolong Life: I want my life to be prolonged as long as possible within the limits of generally accepted health care standards. **OR**

(b) I Choose NOT To Prolong Life: I do not want my life to be prolonged. I understand that "NOT prolonging my life" means that I do not want any life support measures. **OR**

(c) I Choose To Let My Agent Decide: My agent under my power of attorney for health care may make life-sustaining treatment decisions for me.

(7) ARTIFICIAL NUTRITION AND HYDRATION: If I have chosen above "NOT To Prolong Life," I also specify by marking my initials below:

Initial
your
choice
in
these
boxes

- I DO Want Artificial Nutrition (food). *OR*
- I DO NOT WANT Artificial Nutrition (food).
- I DO Want Artificial Hydration (water). *OR*
- I DO NOT Want Artificial Hydration (water).

No matter which choices I have initialed in this section, I do want comfort care.

(8) RELIEF FROM PAIN: Regardless of the choices I have made in this form and except as I state in the following space, I direct that the best medical care possible to keep me clean, comfortable and free of pain or discomfort be provided at all times so that my dignity is maintained, even if this care hastens my death:

(Add additional pages if needed)

(9) ANATOMICAL GIFT DESIGNATION: Upon my death I specify as marked below whether I choose to make an anatomical gift of all or some of my organs or tissue:

Initial
only
one
box

- I CHOOSE to make an anatomical gift of all of my organs or tissue to be determined by medical suitability at the time of death, and artificial support may be maintained long enough for organs to be removed.
- I CHOOSE to make a partial anatomical gift of some of my organs or tissue as specified below, and artificial support may be maintained long enough for organs to be removed. The following organs and tissue may be donated:
- I REFUSE to make an anatomical gift of any of my organs or tissue.
- I CHOOSE to let my agent decide.

(10) OTHER HEALTH CARE INSTRUCTIONS OR WISHES: If you wish to write specific instructions about any aspect of your health care and medical treatment, including your end-of-life decisions, you may do so here. I direct that:

(Add additional pages if needed)

(11) NOMINATION OF GUARDIAN: I intend by this power of attorney for health care to avoid a court-supervised guardianship. If I need a guardian, I want my agent appointed in this

form to be my guardian. If that agent cannot or will not act as my guardian, I want my alternative agents, in the order they are appointed in this form, to be my guardian.

(12) COPIES OF THIS FORM: A copy of this form has the same effect as the original.

(13) REVOCATION: I may revoke my Health Care Instructions (Sections 6-10 of this form) at any time in any way that shows my intent to do so. I may revoke the appointment of an agent under my durable power of attorney for health care (Section 1 of this form) by a signed writing or by telling my doctor. If I revoke any or all of this form, I should promptly notify my doctor, my agent, any health care institution where I am receiving care and any others to whom I have given copies of this document.

SIGN and DATE BELOW:

(your signature)

(date)

(print your name)

(optional social security number—as
verification of your identity)

(address)

(city) (state) (zip code)

(This form does not have to be witnessed to be legally valid. Witnesses are recommended to avoid any concern that this document might be forged, that you were forced to sign it, or that it does not genuinely represent your wishes)

(signature of first witness)

(signature of second witness)

(print name of first witness)

(print name of second witness)

(date)

(date)

(address of first witness)

(address of second witness)

[This form complies with the provisions of the *New Mexico Uniform Health Care Decisions Act* of 1995, NMSA 1978 Sections 24-7A-1 to 24-7A-18 (1997 Supp.)] April 2005