

Wood County Board of Developmental Disabilities

PROCEDURE

Procedure #: 02-ALL-ALL-0473 (CR) Subject: Living Wills and Durable Power of Attorneys  
Effective Date: 10-19-92 Last Revision: 09-01-09  
Person Responsible: Director of Service and Support Administration  
Approvals/Date: Sharon Stuchsen Cammi Chamberlain 9/1/09  
Superintendent, WCDD Date Department Director Date

The following definitions will apply:

**Advance Directives** – Also known as A.D. – A binding legal document that states your health care wishes or appoints an individual to make health care decisions on your behalf if you are unable to do so.

**Agent** - A person authorized by another (principal) to act for or in place of him/her; one entrusted with another's business.

**Attending Physician** – One lawfully engaged in the practice of medicine who serves as doctor during an illness.

**Attorney-In-Fact** – Any person legally empowered to act as agent for or on behalf of another.

**Competent Adult** – A person who is 18 years of age or older and who is able to make decisions regarding their own care and management; an individual who has not been declared incompetent in a court of law.

**Consulting Physician** – One lawfully engaged in the practice of medicine who gives an opinion regarding an illness.

**Declarant** - A person who makes a declaration.

**Declaration** - A formal and methodical specification of the facts and circumstances constituting a cause or action.

**Durable Power of Attorney for Health Care** - A lasting written statement legally authorizing one person to act for another in regard to health issues.

**Guardian** - A person lawfully invested with the power and charged with the duty of taking care of the person and managing the property and rights of another person who for defect of age, understanding, or self-control is considered incapable of administering his/her own affairs.

**Health Care** – Any care, treatment, service or procedure to maintain, diagnosis, or treat an individual's physical or mental condition.

**Health Care Decisions** – Informed consent, refusal to give informed consent, or withdrawal of informed consent to health care.

**IHP (Individualized Habilitation Program)** – Also known as IP, IPP, IEP, ISP.

**Informed Consent** – A person's agreement to allow something to happen (such as surgery) that is based on a full disclosure of facts to make the decision intelligently (i.e., knowledge of risks involved, alternatives, etc.).

**Life-Sustaining Treatment** - Any medical procedure, treatment, intervention, or other measure including artificially or technologically supplies nutrition and hydration that when administered will serve principally to prolong the process of dying.

**Living Will Declaration** – A written statement legally and formally expressing a person's wishes regarding the treatment of him/her body while he/she remains alive but is unable to make decisions regarding his/her medical treatment.

**Notary Public** – An official authorized to certify or attest documents, take depositions and affidavits, etc.

**Nutrition** – Artificially or technologically administered sustenance.

**Ohio Living Will, Durable Power of Attorney for Health Care** – Will be known as Advance Directive (AD)

**Permanently Unconscious State** – A state of permanent unconsciousness that to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the attending physician and one other physician who has examined the person is characterized by both of the following:

1. The person is irreversibly unaware of himself/herself and his/her environment, and
2. There is a total loss of cerebral cortical functioning resulting in the person having no capacity to experience pain or suffering.

**Principal** - A person who employs another to act as his/her agent.

**Revocation** – The withdrawal or recall of some power, authority, or thing granted, or a destroying or making void of some will, need, or other that had been valid until revoked.

**Revoke** – To withdraw, repeal, rescind, cancel, or annul.

**Terminal Condition** – An irreversible, incurable, and untreatable condition caused by disease, illness, or injury to which a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the attending physician and one other physician who has examined the person both of the following apply:

1. There can be no recovery, and
2. Death is likely to occur within a relatively short time if life-sustaining treatment is not administered.

**Valid** – Having legal force; properly executed and binding under the law.

**Witness** – (n) A person called upon to observe a transaction, signing, etc., in order to testify concerning it if it is later held in questions; (v) To act as witness of, often by signing a statement to that effect.

1. An individual's ability to make consent shall be reviewed according to the Informed Consent Assessment and/or the procedure 02-ALL-ALL-0198 – Determination of individual's Ability to Make Consent. Recommendations regarding the need for guardianship shall be made by the Individual Service Plan (ISP) Team.
2. All competent adults will be provided information regarding Ohio Living Will Declarations and/or Durable Power of Attorneys for Health Care (AD) by a designated department employee of the WCBDD. Upon completion of receiving information regarding AD each individual will complete form 03-ALL-ALL-0319 stating that they have received said information regarding Advance Directives.
3. Any competent adult or their representative/advocate may contact Service and Support Administration regarding their wish to create an AD. For any competent adult receiving services from WCBDD, the designated WCBDD employee shall send a written referral using form 03-ALL-ALL-0318 to the appropriate county Service and Support Administration.
4. A. For individuals not previously served by Service and Support Administration: The Service Coordinator/Intake & Eligibility will forward an application for Service and Support Administration Services to the individual and a case shall be initiated. New referrals shall be documented on the Referral Log. Upon receipt of the completed application, collateral information will be gathered and eligibility will be determined by the Service Coordinator/Intake & Eligibility.  
B. For individuals previously served but in an open-inactive status: The individual's record will be reactivated by the Director of Service and Support Administration.
5. The Service Coordinator shall document the request for additional information regarding AD in the individual's record by completing a social service note entry.
6. The Service Coordinator shall provide any additional information regarding AD to the individual, within 2 weeks of receipt of notice of referral/request. The Service Coordinator will assist and support the individual in his/her decision to seek additional information and will provide the individual with a list of attorneys who may execute the directive with the individual.
7. Upon request the Service Coordinator may contact an attorney on behalf of the individual to schedule necessary appointments. However, the Service Coordinator's involvement in the actual execution of the AD is limited to assisting and supporting the individual during this process including accompanying the individual to the appointment.
8. The county Service Coordinator shall send notice of the referral to the Superintendent.
9. Once the individual has made a choice regarding the drafting of AD the appropriate document(s) shall be drawn.
10. Once the document(s) has been drawn the county Service Coordinator shall forward the document(s) to the appropriate WCBDD designated employee. The WCBDD shall honor and respect the individual's wishes as stated in the AD.
11. The WCBDD designated employee shall send written notice of the completed document(s) to the Superintendent of the WCBDD, appropriate Director, Nursing and Department Supervisor. Written notice of the document(s) will also be sent as necessary and appropriate to other department supervisors who may have cause to intervene.
12. For Adult Services, the Service Coordinator will encourage the individual to provide copies to their primary physician, nearest hospital and the Service Coordinator for the consumer's file. The Service Coordinator will provide a copy to all others employed by the WCBDD who may have cause to intervene.
13. For Wood Lane School, the WCBDD designated employee will encourage the individual to provide copies to their primary physician, nearest hospital, the WCBDD designated employee for consumer's file. The designated employee will provide a copy to all others employed by the WCBDD who may have cause to intervene.

References:      ORC Section 1337  
                      02-ALL-ALL-0198

Forms:            03-ALL-ALL-0318  
                      03-ALL-ALL-0319

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