

Advance Directives

An advance directive document is a living will legally document where the person decides what medical health treatments wants to receive if becomes too ill to communicate. This document is called a Prior Declaration of Will on Medical Treatment. Medical treatment refers to any type of medical method, procedure or intervention that is administered to a person with the purpose of maintaining vital signs and artificially prolonging their life until the moment of death.

You have the right to make an advance directive

- Law 160 of November 17, 2001 (Law of Prior Declaration of Will on Medical Treatment), recognizes that every person over 21 years of age and who has the capacity to make decisions, has the right to declare in advance what this person wants about his/her treatment. In the event of suffering a terminal health condition or persistent vegetative state (brain death) that does not allow him/her to express during the moment in which said treatment should or should not be administered.
- You do not have to be terminally ill or in a vegetative state to file.
- You can do it at any time, must be file in written to be valid and to clear about what treatments you want to receive or refuse. It is important for you to know that you can use these guidelines if a situation arises that requires medical treatment, even if it is not a terminal condition.

How can you make an advance directive?

- Sign it in front of a notary lawyer by means of an affidavit. He will not need witnesses.
- In front of a medical staff. It could be your primary care doctor, specialist or staff at hospital facilities. In this case, you will need (2) two witnesses who of legal age, who are not in charge of your care, and who are not your heirs.

What should you include in an advance directive?

In the power of attorney and document evidence, you must:

- Designate a legal authority person to make medical decisions for you. This person will inform of your wishes when you are unable to make decisions about accepting or refusing medical treatment.
- Indicate the medical treatment you wish to receive. It should include whether you want to receive blood transfusions, be intubated or receive artificial support, short-term or permanent, whether you want to donate your organs and tissues, among other guidelines.

When can you cancel your advance directive?

- Your advance directive can be terminated or amended at any time. If you change your mind, you can edit the written document with your attorney or you can say so with your (2) two witnesses present in front of your doctor or authorized hospital personnel.

What should you do after you make an advance directive?

- Give your doctor a copy of your advance directive document to be added to your medical records. You should also give a copy to the person you designed to make medical decisions for you. Talk to your close family members about your advance directive and where they can get a copy of it.

What if your doctor doesn't follow your advance directive?

- This would represent a violation of Law No. 160-2001 for which you or the person named in the document could take legal action.
- You can also contact the Office of the Patient Advocate at 787-977-0909, to receive guidance.

Limitations on Advance Directives

- Under advance directives, euthanasia is not authorized in Puerto Rico.
- You may not prohibit the administration of medical resources of pain management, hydration, or nutrition unless death is imminent or you are unable to absorb food.
- In the event that a woman is pregnant and suffer from a terminal condition, the advance directive will remain in effect until the end of her pregnancy.
- On order for the document to be legal, it must be in writing and signed and sworn to by an attorney.
- The quality of medical treatment should not change because you have an advance directive.

Social and Emotional Aspect

- For recommendations, tools, and resources on how you and your family can manage with emotional and physical concerns that may arise during and after medical treatment, please visit your primary care physician or contact the following phone lines:

Medical Advice Line

1-844-347-7801 • TTY/TDD: 1-844-347-7804

APS Healthcare

787-641-9133

References:

Advance Directives (2020). Retrieved from:

<http://www.opp.pr.gov/MaterialEducativo/Material%20Educativo/Dialogalo%20con%20tu%20medico%20-%20Directrices%20Anticipadas.pdf>

What are advance directives? (2020). Retrieved from: <https://ayudalegalpr.org/resource/qu-son-las-advance-directrices>

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