

# **MICHIGAN Advance Directive Planning for Important Health Care Decisions**

## ***Caring Connections***

*1731 King St., Suite 100, Alexandria, VA 22314*

[www.caringinfo.org](http://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 healthcare 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 healthcare.
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 Google Health, or another online medical records management 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. You can read more about Google Health at <http://www.caringinfo.org/googlehealth>.

## Introduction to Your Michigan Advance Directive

This packet contains a document 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.

The **Michigan Patient Advocate Designation** lets you name someone to make decisions about your medical care — including decisions about life support, mental health treatment and anatomical gifts—if you can no longer speak for yourself. The patient advocate designation is especially useful because it appoints someone to speak for you any time you are unable to make your own health care treatment decisions, not only at the end of life.

Your patient advocate's powers go into effect when your doctor determines that you are no longer able to make or communicate your health care decisions.

Note: Michigan does not currently recognize a separate “living will” document. You may, however, state your end-of-life choices in your patient advocate designation.

This form also allows you to state your desires regarding your health care and other advance planning decisions to help guide your patient advocate and others who may make decisions for you when are no longer able to do so.

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 a durable power of attorney tailored to your needs.

Following the patient advocate designation form is an **organ donation form**.

*Note: These documents will be legally binding only if the person completing it is a competent adult (at least 18 years old).*

## **Completing Your Michigan Patient Advocate Designation**

### **How do I make my Michigan Patient Advocate Designation legal?**

The law requires that you sign your designation in the presence of two witnesses. These witnesses **cannot** be:

- your spouse, parent, child, grandchild, or sibling,
- a person who stands to inherit from your estate,
- your physician or patient advocate,
- an employee of your life or health insurance provider,
- an employee of a health care or mental health care facility where you are being treated, or
- an employee of a home for the aged, if you are a patient in that facility.

Your patient advocate designation form will be valid after you and your witnesses sign it. However, your patient advocate and alternate (if any) must receive a copy of your document and date and sign an acceptance of his or her responsibilities before making any decisions on your behalf. An acceptance form is included as pages 5 and 6, in the event you want to obtain your advocate's acceptance now.

### **Whom should I appoint as my patient advocate?**

Your patient advocate is the person you appoint to make decisions about your health care if you become unable to make those decisions yourself. Your patient advocate may be a family member or a close friend whom you trust to make serious decisions. The person you name as your patient advocate 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 patient advocate. The alternate will step in if the first person you name as an patient advocate is unable, unwilling, or unavailable to act for you.

### **Should I add personal instructions to my patient advocate designation?**

One of the strongest reasons for naming a patient advocate 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 patient advocate carry out your wishes, but be careful that you do not unintentionally restrict your patient advocate's power to act in your best interest. In any event, be sure to talk with your patient advocate 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 designation at any time and in any manner, regardless of your ability to make medical and/or mental health treatment decisions, so long as you are able to communicate your intent to revoke the designation.

You should be sure that your physician and patient advocate(s) receive notice of your revocation to be sure it is effective.

Your designation will be automatically revoked if:

- You designate your spouse as your patient advocate and there is an entry by a judge of an order for alimony, divorce, or annulment of your marriage. Your patient advocate's designation will be suspended during any legal proceedings that could result in such an order. The designation of an alternate patient advocate, if you have named me, will not be affected by the end of your marriage;
- Your patient advocate resigns his or her responsibilities; or
- You die, unless you have given your patient advocate authority to donate your organs on page 3 of the form.

### **What other important facts should I know?**

Due to restrictions in the state law, your patient advocate does not have the authority to withhold or withdraw treatment from you while you are pregnant if that would result in your death.

### **How do I make my Michigan Organ Donation Form legal?**

The law requires that you sign your organ donation form in the presence of two witnesses. Both witnesses must be 18 years of age or older. At least one of the witnesses must be a disinterested party, meaning that the witness has no interest in your estate or any potential anatomical gift.

## MICHIGAN PATIENT ADVOCATE DESIGNATION – PAGE 1 OF 6

PRINT YOUR NAME  
AND ADDRESS

I \_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

am of sound mind, and I voluntarily make this designation.

I designate \_\_\_\_\_  
(name of primary patient advocate)

residing at \_\_\_\_\_  
(address)

\_\_\_\_\_  
(home phone number) (work phone number)

as my patient advocate to make care, custody, medical, or mental health treatment decisions for me in the event that I become unable to participate in medical treatment decisions. The determination of when I am unable to participate in medical and/or mental health treatment decisions shall be made by my attending physician and another physician or licensed psychologist.

If my first choice is unable, unwilling, or not reasonably available to serve as my patient advocate, then I designate:

\_\_\_\_\_  
(name of alternate patient advocate)

residing at \_\_\_\_\_  
(address)

\_\_\_\_\_  
(home phone number) (work phone number)

to serve as my patient advocate.

PRINT THE NAME,  
ADDRESS AND  
PHONE NUMBERS  
OF YOUR PATIENT  
ADVOCATE

PRINT THE NAME,  
ADDRESS AND  
PHONE NUMBERS  
OF YOUR  
ALTERNATE  
PATIENT ADVOCATE

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Hospice and  
Palliative Care  
Organization  
2010 Revised.

YOU MAY CROSS  
OUT AND INITIAL  
ANY PARTS OF THIS  
FORM THAT YOU  
DO NOT AGREE  
WITH

I authorize my patient advocate to decide to withhold or withdraw medical and mental health treatment, including the provision of artificial nutrition and hydration, which could or would allow me to die. I am fully aware that such a decision could or would lead to my death.

In making decisions for me, my patient advocate shall be guided by my wishes, whether expressed orally, in this designation, or in another document. If my wishes as to a particular situation have not been expressed, my patient advocate shall be guided by his or her best judgment of my probable decision, given the benefits, burdens and consequences of the decision, even if my death, or the chance of my death, is one consequence.

My patient advocate shall have the same authority to make care, custody, and medical and mental health treatment decisions as I would if I had the capacity to make them, including admission to a hospital or nursing care facility and paying for such services with my funds, EXCEPT (*here list the limitations, if any, you wish to place on your patient advocate's authority*):

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LIST INSTRUCTIONS  
HERE ONLY IF YOU  
WANT TO LIMIT  
YOUR PATIENT  
ADVOCATE'S  
AUTHORITY

This designation of patient advocate shall not be affected by my disability or incapacity. This designation of patient advocate is governed by Michigan law, although I request that it be honored in any state in which I may be found. I reserve the power to revoke this designation at any time by communicating my intent to revoke it in any manner in which I am able to communicate.

Photocopies of this document, after it is signed and witnessed, shall have the same legal force as the original document.

## MICHIGAN PATIENT ADVOCATE DESIGNATION - PAGE 3 OF 6

CROSS OUT THIS  
STATEMENT IF YOU  
DO NOT  
AUTHORIZE YOUR  
PATIENT ADVOCATE  
TO MAKE AN  
ANATOMICAL GIFT  
OF YOUR ORGANS  
OR PHYSICAL  
PARTS.

INITIAL YOUR  
CHOICES  
REGARDING ORGAN  
DONATION

LIST LIMITATIONS  
OR SPECIAL  
WISHES, IF ANY

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

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Palliative Care  
Organization

In the hope that I may help others, I authorize my patient advocate to make this anatomical gift if medically acceptable, to take effect upon my death and to resolve any conflict between the terms of this Designation and the administration of means necessary to ensure the medical suitability of my anatomical gift. The words and marks below indicate my desires.

Upon my death, I wish to donate:

- ☐ My body for anatomical study if needed.  
☐ Any needed organs, tissues, or eyes.  
☐ Only the following organs, tissues, or eyes:

\_\_\_\_\_

I authorize the use of my organs, tissues, or eyes:

- ☐ For transplantation  
☐ For therapy  
☐ For research  
☐ For medical education  
☐ For any purpose authorized by law.

This authority granted to my patient advocate to make an anatomical gift is limited as follows (*list any limitations or special wishes here, if any*):

\_\_\_\_\_

\_\_\_\_\_

I further direct that:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Add Additional Pages if Necessary)



SIGN AND DATE  
YOUR DOCUMENT  
AND PRINT YOUR  
ADDRESS

I voluntarily sign this designation of patient advocate after careful consideration. I accept its meaning and I accept its consequences.

Your signature: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(your street address)

\_\_\_\_\_  
(city, Michigan, zip code)

**Statement of Witnesses**

We sign below as witnesses. This designation was signed in our presence. The designator appears to be of sound mind, and to be making this designation voluntarily, and under no duress, fraud, or undue influence.

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

Witness 1: \_\_\_\_\_  
(signature)

Date: \_\_\_\_\_

\_\_\_\_\_  
(print or type full name)

\_\_\_\_\_  
(address)

Witness 2: \_\_\_\_\_  
(signature)

Date: \_\_\_\_\_

\_\_\_\_\_  
(print or type full name)

\_\_\_\_\_  
(address)

**Acceptance by Patient Advocate and Alternate Patient Advocate  
(If Any)**

NOTE: YOUR  
PATIENT ADVOCATE  
MUST SIGN AN  
ACCEPTANCE FORM  
BEFORE HAVING  
AUTHORITY TO  
MAKE DECISIONS  
ON YOUR BEHALF

THIS ACCEPTANCE  
MAY BE OBTAINED  
NOW TO  
STREAMLINE THE  
PROCESS

1. This patient advocate designation is not effective unless the patient is unable to participate in decisions regarding the patient's medical or mental health, as applicable. If this patient advocate designation includes the authority to make an anatomical gift as described in section 5506, the authority remains exercisable after the patient's death.
2. A patient advocate shall not exercise powers concerning the patient's care, custody, and medical or mental health treatment that the patient, if the patient were able to participate in the decision, could not have exercised on his or her own behalf.
3. This patient advocate designation cannot be used to make a medical treatment decision to withhold or withdraw treatment from a patient who is pregnant that would result in the pregnant patient's death.
4. A patient advocate may make a decision to withhold or withdraw treatment that would allow a patient to die only if the patient has expressed in a clear and convincing manner that the patient advocate is authorized to make such a decision, and that the patient acknowledges that such a decision could or would allow the patient's death.
5. A patient advocate shall not receive compensation for the performance of his or her authority, rights, and responsibilities, but a patient advocate may be reimbursed for actual and necessary expenses incurred in the performance of his or her authority, rights, and responsibilities.
6. A patient advocate shall act in accordance with the standards of care applicable to fiduciaries when acting for the patient and shall act consistent with the patient's best interests. The known desires of the patient expressed or evidenced while the patient is able to participate in medical or mental health treatment decisions are presumed to be in the patient's best interests.
7. A patient may revoke his or her patient advocate designation at any time and in any manner sufficient to communicate an intent to revoke.
8. A patient may waive his or her right to revoke the patient advocate designation as to the power to make mental health treatment decisions, and if such a waiver is made, his or her ability to revoke as to certain treatment will be delayed for 30 days after the patient communicates his or her intent to revoke.

## MICHIGAN PATIENT ADVOCATE DESIGNATION — PAGE 6 OF 6

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9. A patient advocate may revoke his or her acceptance of the patient advocate designation at any time and in any manner sufficient to communicate an intent to revoke.

10. A patient admitted to a health facility or agency has the rights enumerated in section 20201 of the public health code, 1978 PA 368, MCL 333.20201.

I understand the above conditions, terms and responsibilities and I accept the designation as patient advocate for

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(name of primary patient advocate)

Dated \_\_\_\_\_ Signed \_\_\_\_\_

I understand the above conditions and I accept the designation of successor patient advocate for

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(name of alternate patient advocate)

Dated \_\_\_\_\_ Signed \_\_\_\_\_

YOUR PATIENT  
ADVOCATE MUST  
SIGN AND DATE  
YOUR DOCUMENT  
HERE BEFORE  
MAKING DECISIONS  
ON YOUR BEHALF

YOUR ALTERNATE  
PATIENT ADVOCATE  
MUST SIGN AND  
DATE YOUR  
DOCUMENT  
HERE BEFORE  
MAKING DECISIONS  
ON YOUR BEHALF

## MICHIGAN ORGAN DONATION FORM - PAGE 1 OF 1

ORGAN DONATION  
(OPTIONAL)

INITIAL THE  
OPTION THAT  
REFLECTS YOUR  
WISHES

ADD NAME OR  
INSTITUTION (IF  
ANY)

PRINT YOUR NAME,  
SIGN, AND DATE  
THE DOCUMENT

YOUR  
WITNESSES  
MUST SIGN AND  
PRINT THEIR  
ADDRESSES

AT LEAST ONE  
WITNESS MUST BE  
A DISINTERESTED  
PARTY

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Palliative Care  
Organization  
2010 Revised.

Initial the line next to the statement below that best reflects your wishes. You do not have to initial any of the statements. If you do not initial any of the statements, your attorney for health care, proxy, or other agent, or your family, may have the authority to make a gift of all or part of your body under Michigan law.

\_\_\_\_\_ I do not want to make an organ or tissue donation and I do not want my attorney for health care, proxy, or other agent or family to do so.

\_\_\_\_\_ I have already signed a written agreement or donor card regarding organ and tissue donation with the following individual or institution:

Name of individual/institution: \_\_\_\_\_

\_\_\_\_\_ Pursuant to Michigan law, I hereby give, effective on my death:

\_\_\_\_\_ Any needed organ or parts.

\_\_\_\_\_ The following part or organs listed below:

For (initial one):

\_\_\_\_\_ Any legally authorized purpose.

\_\_\_\_\_ Transplant or therapeutic purposes only.

Declarant name: \_\_\_\_\_

Declarant signature: \_\_\_\_\_, Date: \_\_\_\_\_

The declarant voluntarily signed or directed another person to sign this writing in my presence.

Witness \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

I am a disinterested party with regard to the declarant and his or her donation and estate. The declarant voluntarily signed or directed another person to sign this writing in my presence.

Witness \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

*Courtesy of Caring Connections*  
1731 King St., Suite 100, Alexandria, VA 22314  
[www.caringinfo.org](http://www.caringinfo.org), 800/658-8898

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

1. Your designation of patient advocate 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 healthcare. 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 Google Health, or another online medical records management 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. You can read more about Google Health at <http://www.caringinfo.org/googlehealth>.
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 Michigan document.
7. Be aware that your Michigan 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" or "do not resuscitate orders" 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.**