

When would an Advance Care Directive be used?

- **Only** when a person is unable to express their health care wishes
- To assist the 'person responsible' with consenting on the person's behalf.

Can an ACD be changed?

Yes, it is recommended that a person review their plan and directive regularly and following a change in their health.

What cannot be included?

An advance care directive cannot contain instructions for illegal activities, such as euthanasia, assisted suicide or assisted dying.

Who is the 'person responsible'?

In NSW, where a patient is unable to consent to a medical and/or dental treatment, a health practitioner should seek consent from the 'person responsible'.

The 'person responsible' is:

- An appointed Guardian, including an Enduring Guardian; if none, then
- A spouse de facto spouse or partner where there is a close continuing relationship; if none, then
- An unpaid carer; if none, then
- A relative or friend with a close and continuing relationship.

A Power of Attorney cannot make medical or dental decisions for a person

Where can I get more information?

- Advance Care Planning and NSW Health Policy Directives and Guidelines
www.health.nsw.gov.au/patients/acp/pages/default.aspx
- End of life decisions, the law and clinical practice
<http://healthlaw.planningaheadtools.com.au>
- NSW Agency for Clinical Innovation's Palliative Care Network
<http://www.aci.health.nsw.gov.au/networks/palliative-care>
- NSW Clinical Excellence Commission's End of Life Program
<http://www.cec.health.nsw.gov.au/quality-improvement/people-and-culture/end-of-life-care>
- The Capacity Toolkit is a guide to assessing a person's capacity
http://www.justice.nsw.gov.au/diversityservices/Pages/divserv/ds_capacity_tool/ds_capacity_tool.aspx
- Patients, their carers and families can find more information on advance care planning at
<http://planningaheadtools.com.au>
- The Public Guardian has information about Enduring Guardians and they can be contacted on (02) 8688 6070 or you could visit their website
http://www.publicguardian.justice.nsw.gov.au/Pages/publicguardian/pg_planning/pg_enduring.aspx

Advance Care Planning

Helping your patients to make their wishes known



What is Advance Care Planning?

Advance Care Planning is an important process that helps a person plan for future care, for a time when they are not able to make their health care wishes known.

This process involves that person thinking about their values, beliefs and wishes about the health care they would like to have if they could not make their own decisions.

It is best if Advance Care Planning happens earlier in life, when the person is still well.

Why does your patient need to think about advance care planning?

Medical technology advances mean that there are treatments that can keep people alive when they are seriously ill or injured, and which may prolong their life.

Some people have firm ideas about how they want to live the rest of their life, including conditions that they might find unacceptable.



Advance Care Planning can include one or more of the following:

- Conversations between the person and their family, carer and/or health professional
- Developing an Advance Care Plan by the person, on their own or with help from another person. An Advance Care Plan is the documented outcome of advanced care planning. It records preferences about health and treatment goals
- Appointing an Enduring Guardian. An Enduring Guardian can legally make decisions on a person's behalf about medical and dental care, if the person loses the capacity to make the decision
- Making an Advance Care Directive.

Choosing who should make decisions for a person if they do not have capacity is an important part of Advance Care Planning.

Capacity means that a person can understand the information and choices presented; weigh up the information to determine what the decision will mean for them and communicate their decision.

In NSW, there is no set form to record an advance care directive or advance care plan

Advance care directives made in other states and territories are enforceable in NSW

What is an Advance Care Directive?

An Advance Care Directive records a person's specific wishes and preferences for future care. This includes treatments they would accept or refuse if they had a life-threatening illness or injury.

An Advance Care Directive is to be used when the person does not have capacity to decide for themselves or to communicate their wishes.

It is recommended that an Advance Care Directive be written and signed by the person to whom it applies and their signature is witnessed.

Your patient may wish to seek information about their health and ageing and to discuss their choices with you.

An Advance Care Directive is valid and legally binding if:

- The person had decision making capacity when they made it
- The person was not influenced or pressured by anyone else to make it
- It has clear and specific details about treatment that they would accept or refuse
- The person has not revoked it
- It extends to the situation at hand.