

You can make a broader written advance directive for other health care issues too. For example, you can decide whether you want life-sustaining treatment if you are in an end-stage condition. An end-stage condition is an advanced, progressive, and incurable condition resulting in complete physical dependency.

What Happens If You Do Not Make An Advance Directive?

No one can deny you health care because you do not have an advance directive. But you should know what happens legally if you do not.

Maryland law allows a surrogate to make medical decisions for you if you have not named a health care agent and are no longer able to decide treatment issues yourself. Then, your closest relative would be asked to make health care decisions for you. Your spouse, adult children, parents, or adult brothers and sisters, in that order, are considered your closest relatives. If these relatives are not available, another relative or a close friend can make decisions for you. A surrogate, though, might have less authority to decide against life-sustaining procedures than a health care agent.

If there is no one to be a surrogate, a court might have to appoint a guardian to make your medical decisions. The guardian might be somebody who does not know you personally.

How Do You Get More Information?

This summary does not cover every issue. If you have legal questions about your rights, please talk to a lawyer. Also talk to your health care provider about the medical issues involved in your care. Tell those caring for you about your decisions and give them a copy of any advance directive.

For a free copy of optional advance directive forms, write to the Attorney General's Office, Opinions Division, 200 St. Paul Place, Baltimore, MD 21202 or call at (410) 576-7000. Forms are also available from the General Assembly's Department of Legislative Reference at (410) 841-3810 (if you are calling from the D.C. area, 858-3810), from the State Office on Aging at (800) 243-3425, or at any Area Agency on Aging.

A Patient's Rights To Make Health Care Decisions

**This booklet contains
information about
your rights to make
health care decisions
in Maryland.
It also includes our
Patient Bill of Rights.**



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A Patient's Rights To Make Health Care Decisions in Maryland

Federal law requires surgery centers and physicians to tell patients and the people in their communities about their rights to make decisions about their medical care, including the right to accept or refuse medical treatment and the right to prepare "advance directives." This booklet discusses your rights in Maryland.

Q. Who has the right to make decisions about my health care?

A. You have the right to make decisions about your health care, in consultation with your doctor if you are at least 18 years old, married, or the parent of a child, as long as you have sufficient understanding to make and communicate responsible decisions about your care.

Q. How do I exercise this right?

A. Your doctor should discuss your situation with you and obtain your consent before giving you care. You have the right to refuse treatment or to choose among different kinds of treatment. You may leave the physician's office, hospital, or The Endoscopy Center or seek treatment from other health care providers. Making a responsible choice does not always mean you accept your doctor's advice, but it does mean you understand the consequences of your choice.

Q. What happens if I become unable to make my own decisions?

A. You could lose the ability to make health care decisions temporarily or permanently. Someone must then make decisions for you. This may occur several ways under Maryland law:

- **Advance Directives:** You may put your decisions in writing in an advance directive or you may make an oral advance directive to your physician who will write your instructions in your medical record. You may also appoint an agent to make your health care decisions for you in a written advance directive or by orally advising your physician.
- **Guardianship:** If you become disabled for a long period of time and have not appointed a health care agent, your family or others may ask a court to appoint a legal guardian.
- **Surrogate Decision making:** If you have not appointed an agent to make health care decisions for you and you do not have a court-appointed guardian, a close family member or close friend may make decisions for you. The law specifies which persons, and in what order, may make decisions for you.

treatments that extend life, like life-support machines or feeding tubes.

Sometimes, an accident or illness takes away a person's ability to make health care choices. But the decisions still must be made. If you are unable to make them, others will. They will decide based on your wishes, or your best interests if your wishes are unknown.

Maryland law gives you the right to make many health care decisions in advance. One way to do this is by using a written advance directive. For example, you can use a written advance directive to name an agent to make your health care decisions if you cannot. A written advance directive can also state your treatment preferences, especially about life sustaining procedures.

Maryland law also lets you make an oral advance directive to your doctor, with a witness. Oral advance directives can be used to name a health care agent, to make decisions about life-sustaining procedures, or both.

Naming A Health Care Agent

You can name anyone to be your health care agent. The only exception is that, in general, someone who works where you are receiving care cannot be your agent. Your agent can be a family member or a friend.

You choose when your agent can decide for you—right away, if you want, or only after two doctors agree that you are not able to decide for yourself. You also choose the kinds of decisions your agent can make for you. For example, if you want, you can give your agent very broad power to decide about life-sustaining treatment.

Pick your health care agent carefully. Make sure your agent knows what you want. Your agent will then follow your wishes, even if your friends or family disagree.

Using Advance Directives

There are many ways to use an advance directive. A living will is a type of written advance directive that states your wishes on life-sustaining treatments. It usually comes into effect when a person will die very soon from an incurable condition. It can also be used when a person is permanently unconscious (in a persistent vegetative state).

7. Every patient shall have the right to unrestricted communication with any person or persons of his choice.
8. Patients may elect not to follow the advice of their doctors. If they elect to take such action while hospitalized, they will be asked to sign an "Against Medical Advice" form, and the physicians will not be responsible for any harm which may result.
9. Patients may inquire about their charges and obtain information about payment of their medical bills.

Your Responsibilities

1. Patients will be, expected to keep appointments or telephone the office and/or The Endoscopy Center when they cannot keep a scheduled appointment. They are expected to provide or make available pertinent information, past or present, relating to the status of their health. Patients should let us know immediately if they do not understand any matter relating to their diagnosis, care and treatment or instructions with which they cannot comply.
2. Patients have the responsibility to be considerate of other patients with reference to noise and smoking. Regulations have been established to ensure the rights and comfort of all patients and must be followed.
3. Patients have a responsibility for making prompt arrangements for payment of bills and are to be prompt in asking questions they may have concerning their bills.

Legal Rights of Marylanders to Decide About Health Care

by: J. Joseph Curran, Jr., Attorney General

You Have The Right To Decide About Your Health Care

Adults generally have the right to decide if they want medical treatment, unless they are not competent. This right also includes decisions about

Q. Which of these methods is most likely to ensure that my wishes are followed?

A. A written advance directive is the best way to make sure your wishes are followed if you cannot make your own decisions.

Q. When does an advance directive become effective?

A. Unless otherwise provided in the document, an advance directive becomes effective only after two doctors certify in writing that you are incapable of making an informed decision (if you are unconscious or unable to communicate by any means only one doctor's certification is required). If you have not appointed an agent to make health care decisions for you but have only left instructions, your advance directive will not be effective until two doctors certify that you are in a terminal condition, a persistent vegetative state, or an end-stage condition.

Q. What do these terms mean?

A. "Terminal condition" is an incurable condition which makes death imminent, and from which a patient will not recover even if life-sustaining procedures are used. "Persistent vegetative state" is a condition of unconsciousness from which, to a reasonable degree of medical certainty, there can be no recovery. "End-stage condition" is an advanced, progressive, irreversible condition that has caused severe and permanent deterioration indicated by incompetency and complete physical dependence and for which any treatment would be medically ineffective.

Q. What is a living will?

A. A living will (also known as a declaration) is a type of written advance directive that contains your instructions about your care if two doctors certify that you are either in a terminal condition or a persistent vegetative state. You may use a living will to direct that no extraordinary measures be taken to keep you alive. You may also use a living will to identify types of care that should be provided to you at that time. A living will does not appoint an agent to make health care decisions for you.

Q. What is a written advance directive?

A. The written advance directive is broader than a living will and permits you to name a health care agent, give health care instructions, or both. A durable power of attorney for health care is an example of this kind of written advance directive. If you use the written advance direc-

tive, you can make decisions about life-sustaining procedures if you are in a terminal condition, a persistent vegetative state or an endstage condition.

Q. How will my health care providers know if I have prepared an advance directive?

A. You are responsible for telling your providers you have signed advance directive(s) and for giving them copies. You should also give copies to your family and/or friends.

Q. Must I prepare an advance directive?

A. No. You are not required to sign an advance directive before receiving care.

Q. What if I change my mind after I prepare an advance directive?

A. You may revoke an advance directive by signing a new one, destroying the old one.

Q. Should I prepare my advance directive now or wait until I am ill?

A. Now, as a general rule, because accidents and illness may happen at any time.

Q. Must my health care providers follow the wishes I express in my advance directive?

A. Most of the time, so long as you have given them a copy during your admission, and so long as your advance directive is in proper legal form. However, you should know that a physician is not required to provide medical treatment that he determines to be ethically inappropriate or medically ineffective.

Q. Where can I get more information and copies of advance directive forms?

A. More information is contained in the following pages on "Legal Rights of Marylanders to Decide About Future Medical Treatment," prepared by Maryland's Attorney General.

We recommend that you consult your own attorney. If you do not have one, the Lawyer Referral Service of the Baltimore County Bar Association, 337-9100, can help you find one who is knowledgeable in these issues.

This statement is a general summary of your rights to make health care decisions in Maryland. If you have questions about your legal rights and options, or if you require further assistance, you should contact an attorney.

Patient Bill of Rights

As a patient, it is important that you know and understand your rights and responsibilities.

Your Rights

1. Patients can expect appropriate medical care without regard to such considerations as race, color, religion, national origin, or the source of payment for their care.
2. Patients can expect to be treated respectfully by others, to be addressed by their proper names and without undue familiarity, to be listened to when they have questions or desire more information and to receive an appropriate response.
3. Patients can expect privacy and confidentiality in all aspects of their care. When they are examined, they are entitled to privacy—to have any observers unrelated to their care identified to them. They may ask anyone to leave if they so desire and restrict their visitors.
4. Patients can expect to know the name of the doctor who is responsible for their care, to talk with that doctor and to receive the information necessary for them to understand their medical problem. They can expect to be informed of the planned course of treatment, including an appropriate explanation about procedures or operations. Patients have the right to ask their doctor any questions that concern their health and future medical outlook.
5. Patients can expect efficient and courteous attention from all personnel when they request help, with the understanding that other patients may have similar or more urgent needs.
6. Research activities involving patients are to be carried out only with their written consent and the approval of their personal physician. After the details of the program have been explained, they have the right to refuse to participate. Moreover, they retain the right to cancel their participation at any time.