

Advance Directive: Durable Power of Attorney for Health Care- Washington

Information and FAQ

The new Advance Directive: Durable Power of Attorney for Health Care-Washington (AD: DPOAH-WA) can be witnessed by healthcare providers and employees of the healthcare facility.

For the purpose of this document the following terminology will be used:

<p><i>-Advance Directive: a statement of a person’s wishes regarding medical decision making</i></p> <p><i>-Advance Directive: Durable Power of Attorney for Health Care:(AD:DPOAH-WA): Commonly known as a Durable Power of Attorney for Health Care. New iteration of the Providence Advance Directive: DPOAHC – WA EZ Form.</i></p> <p><i>-Health Care Directive: Commonly known as a Living Will (without DPOAHC)</i></p> <p><i>-Health Care Agent: Also known as a health care proxy, health care decision maker</i></p>	<p><i>-Community Care Facility: a certified facility that offers care in a residential setting</i></p> <p><i>-Care preferences: description of desired level of care</i></p> <p><i>-Providence Trusted Decision Maker: Providence-approved procedure for documenting a patient’s verbally expressed choice of surrogate decision maker</i></p>
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There are two types of Advance Directives

Type of Advance Directive	Description	Witnessing Requirements	Can Providence Providers or Caregivers Witness?
<p>Advance Directive: Durable Power of Attorney for Health Care (AD:DPOAH-WA)*</p> <p>*Also known as the EZ Form</p>	<p>A legal document where a person can name a health care agent to make health care decisions for them if they are unable to. It may also contain information regarding care preferences to guide a health care agent in making health care decisions on their behalf.</p>	<ul style="list-style-type: none"> -Must be at least 18 years of age and competent. -Cannot be related to principal person or their health care agent by blood, marriage, or state registered domestic partnership. -Cannot be principal person’s home care provider or a care provider at an adult family home or long-term care facility where you live. -Cannot be principal person’s designated health care agent -Can be witnessed by two individuals that meet witnessing criteria <u>or</u> notarized. 	YES
<p>Health Care Directive (Living Will)</p>	<p>A legal document completed by a person that directs their provider and health care agent regarding their care preferences if they are diagnosed with a terminal illness or are permanently unconscious and unlikely to recover. These forms indicate care preferences, but DO NOT appoint a health care agent.</p>	<ul style="list-style-type: none"> -Must be at least 18 -Cannot be principal person’s doctor or other healthcare provider -Cannot be the healthcare agent or be related to principal person or the healthcare agent -Cannot work for principal person’s medical center or health care provider -Cannot work at the place where principal person lives -Cannot be related to principal person in any way -Cannot benefit financially- be eligible for any money or property after principal person dies 	NO

FAQ's

1. **What has changed?** Washington Advance Directive: Durable Power of Attorney for Health Care can be witnessed by healthcare employees of a healthcare facility. NOTE: This does not include community care facilities.
2. **When did this go into effect?** In April 2021 [Honoring Choices Pacific Northwest \(HCPNW\)](#), the Washington State Hospital Association, and the Washington State Foundation for Healthcare Improvement vetted and implemented a new Advance Directive: Durable Power of Attorney document. A new document specific for Providence caregivers was created and approved by the Providence legal team.
3. **Who will this Impact?** All Washington State patients, providers and healthcare employees.
4. **Where should this document be scanned into Epic?** It is recommended that the new AD: DPOAH-WA be filed under the “Advance Directive” tab in Epic.
5. **How long is the AD: DPOAH WA effective?** The AD: DPOAH-WA is effective until it is revoked by the individual or until the individual dies.
6. **Who can make decisions for a person when they are not able to make decisions on their own, and they do NOT have an AD:DPOAH WA?** [Hierarchy Poster](#) | In the state of Washington, there is a statutory hierarchy, and a clinician is responsible for following the hierarchy when no document exists.
7. **What is the Providence Trusted Decision Maker (TDM) and how can it be used within Providence Health System?** Documentation within the health record that is a Providence-approved procedure for detailing a patient’s verbally expressed choice of surrogate decision maker. The TDM note documents the conversation with a provider (physician, NP or PA) who also attests that the patient has decision-making capacity at the time of the conversation. When a provider completes a TDM form in Epic, the system generates a preliminary AD: DPOAH, which needs to be signed by a patient and witnessed to become a formal AD: DPOAH. In Washington state, a TDM has particular use in completing a document by phone or video visit in which a patient is unable to physically sign a document.
8. **What is the role of the Trusted Decision Maker document (TDM) in the absence of an AD:DPOAH WA in Washington State?** [Hierarchy Poster](#) | In Washington state, there is a statutory hierarchy, therefore the individual chosen by the patient (as recorded in their TDM document) can advise the family, surrogate decision maker and/or provider of the person’s verbally expressed choices. The TDM is evidence of a person’s expressed wishes and can be considered by the surrogate decision maker.
9. **Can Providence Providers or caregivers witness a document that is exclusively a living will?**
No, an Advance Directive that includes a living will (which does not appoint a health care agent) has more restrictive witnessing guidelines (see witnessing guidelines above for living will).
10. **What documents can a Providence Provider or caregiver witness?**
In Washington, a provider or healthcare employee can **ONLY** witness the AD: DPOAH-WA, or any official DPOAH.
11. **Where can more information be found?**

Honoring Choices Pacific Northwest	https://www.honoringchoicespnw.org/
Washington State Legislature: RCW 7.70.068	https://app.leg.wa.gov/RCW/default.aspx?cite=7.70.065
Institute for Human Caring	https://www.instituteforhumancaring.org/