

THE SURGERY CENTER

ADVANCE DIRECTIVES

If you are 18 years or older you have the right to make decisions about your health care. This includes the right to accept or refuse medical or surgical treatment. You also have the right to plan and direct the types of healthcare you may receive in the future if you become unable to express your wishes. You can do this by completing an Advance Directive document.

Examples of Advance Directives include Health Care Proxies and Living Wills. A Health Care Proxy is used to indicate who you wish to make healthcare decisions on your behalf in the event you become unable to do so. A Living Will is a document which indicates how you wish certain aspects of your healthcare be provided in the event you were to develop a condition which rendered you unable to communicate, such as terminal illness or severe trauma. Living Wills are commonly used to express wishes about life-sustaining procedures such as ventilation, feeding tubes, or other procedures you wish or may not wish to have. Although Massachusetts does not recognize living wills as binding legal documents, they can still provide useful guidance about certain choices a person would make under the circumstances if they were able to communicate. Advance Directives do not include decision making for mental health issues or treatment.

The Surgery Center respects and upholds your rights under state law to make healthcare decisions including the right to accept or refuse medical or surgical treatment and the right to formulate Advance Directives. The Surgery Center will not condition the provision of healthcare or otherwise discriminate against you based on whether or not you have executed an Advance Directive.

The Surgery Center has adopted a policy on Advance Directives. The following requirements are applicable to both Health Care Proxies and Living Wills.

- A Health Care Proxy or a Living Will must be physically produced at the Surgery Center or available in your medical record in order to be given effect.
- Legible photocopies or electronic facsimile copies of an original Health Care Proxy or Living Will are presumed to be as valid as the original.
- A Health Care Proxy or Living Will that appears to have been voluntarily executed and witnessed in accordance with its terms and applicable requirements of Massachusetts law will be presumed valid.
- In the event of any inconsistency between The Surgery Center policy and Massachusetts law, Massachusetts law will control.

Sample Health Care Proxy and Living Will documents are available at The Surgery Center. Health Care Proxy forms are also available at the Commonwealth of Massachusetts website www.mass.gov. You are not required to obtain a lawyer to complete these forms. Note that Massachusetts law requires two persons to witness your signature to a Health Care Proxy for it to be valid and binding. If you complete the forms at home, the witnesses (a) must be at least 18 years old, (b) not named as the health care agent/proxy, (c) affirm by signing that you are 18 years old, of sound mind and under no constraint or undue influence to execute the Health Care Proxy.

We hope this information is helpful in answering your questions. Please do not hesitate to call us with any additional questions at **844-258-4272**.