



**As a Patient, you have the right to:**

1. Make informed decisions regarding your care. The patient and/or the patient representative have the right to complete and current information concerning his/her diagnosis and treatment and in terms that he/she can understand. The patient has the right to know the person or persons responsible for coordinating their care. If not medically advisable to give information to the patient, the information shall be made available to an appropriate person in the patient's behalf.
2. Exercise your rights without being subjected discrimination or reprisal.
3. To be fully informed about a treatment or procedure and the expected outcome, including information concerning your diagnosis, treatment, and prognosis, to the degree known, so that he/she may understand the services being rendered in order to give informed consent.
4. Refuse treatment and to be informed of the consequences of his/her actions.
5. Considerate, respectful care at all times and under all circumstances with recognition of your personal dignity.
6. Personal and informational privacy, within the law.
7. Confidentiality of records and disclosures. Except when required by law, you have the right to approve or refuse the release of records.
8. Be informed of any persons other than routine personnel that would be observing or participating in his/her treatment and to refuse that observation and/or participation.
9. Initiate advance directives such as a living will or durable power of attorney. If you already have a living will or other directive or you wish to initiate one, please speak with a nurse.
10. Impartial access to treatment regardless of race, color, sex, national origin, religion, handicap or disability. (ASC Durango adheres to all federal and state rules, regulations and policies to promote a non-discriminatory environment for all of our surgical guests.)
11. Know, in advance, the expected amount of his/her bill, regardless of the source of the payment. Receive and examine an explanation of their bill, regardless of the source of payment.
12. Know if any research will be done during his/her treatment and has the right to refuse it.
13. Information concerning the facility to which he/she may have to be transferred, in the unlikely event that a transfer would be necessary. The facility, that the patient is to be transferred to, must give approval prior to the patient transfer.
14. Know the identity and professional status of individuals providing service to you.
15. Expect quality care and service from ASC Durango.
16. Know if your physician is an owner in ASC Durango.
17. Voice grievances regarding treatment or care that is (or fails to be) furnished.
18. Report any comments concerning the quality of services provided to you during the time spent at the facility and receive fair and timely follow-up on your comments.



### ***PEDIATRIC BILL OF RIGHTS***

*All kids have a right to cry, laugh, or be made comfortable if it helps them feel better. They also have a right to:*

- Ask to have a parent or another adult stay with them during their examination.
- Tell their caregiver when and where something hurts.
- Ask questions if they don't understand a medical procedure or what's happening to them.
- Choose which ear should be looked at first, or which arm to have a shot in.
- Ask for something to ease their pain.
- Listen to music, play a game, or read a book to help distract them during medical procedures.
- Have an adult with them when they ask except when the presence of another person would or may impact their care and cause a negative outcome.
- To have a schedule for their tests and procedures that doesn't keep them hungry or thirsty any longer than necessary
- and always..... To be called by their name



**As a Patient, You Are Responsible to:**

1. Read and understand all permits and/or consents to be signed: ask the nurse or physician to clarify any information not understood about your care or services.
2. Provide complete and accurate information to the best of his/her ability about his/her health, any medications, including over-the-counter products and dietary supplements and any allergies or sensitivities
3. Provide, to the best of your knowledge, accurate and complete information about your present health status and past medical history and reporting any unexpected changes to the appropriate practitioner(s).
4. Follow the treatment plan prescribed by your practitioner, and notify ASC Durango on admission if pre-operative instructions have not been followed.
5. Provide an adult to transport you home after surgery and an adult to be responsible for you at home for the first 24 hours after surgery.
6. Indicate whether you clearly understand a contemplated course of action and what is expected of you.
7. Accept the consequences of your actions if you refuse treatment, leave the facility against the advice of the practitioner, and/or do not follow the practitioner's instructions relating to your case.
8. Follow the post-operative instructions given by the physician(s) and/or nurses. This includes instructions regarding post-operative appointments.
9. Contact the physician if any complications occur.
10. Assure that the financial obligations of your health care are fulfilled as expediently as possible. It is the responsibility of the patient to provide financial and/or insurance information regarding who will be responsible for the bill including current address and authorized contact information. Ultimate financial responsibility is the patient's, regardless of the insurance coverage.
11. Be respectful of all health care providers and staff, as well as other patients and follow the Center's policies. This applies to the patient and those accompanying the patient.
12. Providing information about and/or copies of any living will, power of attorney or other directives that you desire us to know about.
13. Notify the administration of ASC Durango if you think your right(s) have been violated or if you have a significant complaint.

To contact the Colorado Department of Public Health & Environment you may write to:  
Complaint Intake Coordinator  
400 Cherry Creek Drive South Denver, CO 80246 303-692-2000

You may also contact the website of the Office of the Medicare Beneficiary Ombudsman at:  
[www.cms.hhs.gov/center/ombudsman.asp](http://www.cms.hhs.gov/center/ombudsman.asp)

If you have any questions regarding your rights or responsibilities please discuss your concerns with us.



## **ADVANCED DIRECTIVES**

As our society becomes more complex it is important for individuals to have written instructions for their medical treatment and financial affairs should they become incapacitated. On admission to most hospitals and long-term care facilities, patients are asked if they have a Medical Durable Power of Attorney, a Living Will, a Proxy Decision Maker, a Do Not Resuscitate order (DNR), and/or a Cardiopulmonary Resuscitation Directive (CPR).

In most cases a hospital or nursing home cannot refuse admission because one does not have these directives, but it is better if such planning has been done. Persons with Alzheimer's and other dementias, who need the specialized services provided in a secured unit of a long-term care facility, must have a Medical Durable Power of Attorney or Health Care Proxy for admission. **It is important to have these documents in place before you need them.** Without them, a guardianship and/or conservatorship may be required.

Advance directives offer individuals self-determination in their medical and financial affairs. While forms can be obtained from different organizations and at office supply stores, it is advisable to have an attorney draft these documents to assure they comply with Colorado statutes and are inclusive in their directives. There are two types of advance directives – health care and financial.

### **HEALTH CARE DIRECTIVES**

Health care directives protect an individual's right to make medical decisions and choices about personal care, help family members make decisions if the individual cannot, and help physicians, hospitals, and long-term care facilities by providing guidelines for care.

#### **Living Will**

A Living Will is a written declaration that allows a person to state in advance his or her wishes regarding the use of life-sustaining medical treatment, such as nutrition and hydration, in **terminally ill situations** when he or she is unable to convey his or her wishes. A Living Will does not go into effect until the individual has been unconscious or comatose for seven days and until two doctors agree in writing that the condition is terminal as defined by Colorado law. It differs from a Medical Durable Power of Attorney in that a Living Will does not appoint an agent and is only used in terminal situations.

Two witnesses must sign a Living Will. They cannot be persons who may inherit from the individual, employees of any health care facility that provides care for the patient, other patients in the health care facility, or creditors. The Living Will should be notarized, but this is not required.

#### **Medical Durable Power of Attorney**

A Medical Durable Power of Attorney (also called Durable Power of Attorney for Health Care) allows an individual to appoint an agent over 18 years of age to make any or all health care decisions in the event the individual becomes mentally unable to make decisions. A Medical Durable Power of Attorney is not limited to terminal illness situations and can enumerate more health care issues than a Living Will. It becomes

effective when the individual is unable to make decisions. These decisions can include orders for life-sustaining treatment, nutrition, hydration, and resuscitation. In the event of a serious illness or disability, it is important to have designated a person you trust to make medical decisions on your behalf in the case that you are not able to do so yourself. This is especially important because of the HIPPA (Health Information Privacy Protection Act) privacy act which severely restricts the information doctors and other medical personnel are allowed to give out even to family members, including a spouse. **Powers of Attorney cannot be set up after the individual is considered incompetent or incapacitated, therefore it is important to have this document in place before a medical crisis.**

It is advisable to have the Medical Durable Power of Attorney drawn up by an attorney to assure personal wishes are expressed and include the specifics which comply with HIPA rules. A Medical Durable Power of Attorney does not have to be witnessed or notarized, but it is advisable to do so.

### **Cardiopulmonary Resuscitation (CPR) Directive**

In 1992 the Colorado legislature passed a bill which allows individuals or their agents to refuse cardiopulmonary resuscitation (CPR) for someone whose breathing or heart has stopped on its own. Paramedics or any other emergency response medical personnel are required by law to try all means to resuscitate someone in answering a 911 call even if the individual has a Medical Durable Power of Attorney. The only instance in which they will not try to revive a person whose heart or lungs have stopped is if they have a CPR directive. Such a directive is used by persons in extreme or terminal illness situations who is living in the community.

CPR forms are issued by the Colorado Medical Society and are available through family physicians, hospitals, nursing homes, hospice, and certified home health agencies. This form is signed by the patient and the doctor, after the doctor or a member of his staff has thoroughly explained the implications of this directive. Patients who don't want to be resuscitated should have both a CPR directive and a Medical Durable Power of Attorney. Emergency medical technicians, as well as, hospital and nursing home personnel are trained to recognize these forms. The forms should be kept in a location where they are readily available in an emergency situation. An identifying necklace or bracelet is available which states the individual does not want CPR in an emergency situation is available.

### **Do Not Resuscitate order**

A Do Not Resuscitate (DNR) order is an advance directive signed by the individual in a nursing home or hospital setting which states that there is to be no resuscitation in case of a cardiopulmonary emergency. These forms are available from a physician, nursing home, or hospital personnel.

### **Guardianship**

Guardianship is a court proceeding where someone is appointed by the Court to handle another person's medical and personal care matters. A guardian is appointed by the court to assist with the personal affairs and day-to-day living experiences of a person who has been declared incapacitated according to Colorado statute. In this case the

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individual is deemed unable to make or communicate responsible decisions about his or her person. Age alone is not a reason for someone to be declared incompetent.

A guardian is responsible for housing and medical treatment, but has limited powers in financial matters, which may require a conservatorship in combination with the guardianship. An attorney is usually needed for guardianship proceedings, in addition to a hearing before a judge or magistrate. Guardianship proceedings can take a month or more to complete and may cost at least \$1,000, or more, if contested by disgruntled family members. Besides being expensive, guardianships are difficult to deal with, requiring several court appearances and court supervision. Most times a guardianship is set up in conjunction with a conservatorship.

### **Five Wishes**

Five Wishes is an advance directive that acts as a Living Will and Medical Durable Power of Attorney. An agent is declared who will make health care decisions for an individual who is unable to make them. The five wishes include: choosing an agent; declaring what kind of treatment you want or don't want; specifically stating what kinds of things you want for comfort; stating your wishes regarding treatment by others; and statements letting family members and loved ones your feelings. The Five Wishes is accepted as a legal document in Colorado. It does need two witnesses to sign it, but does not have to be notarized. For more information and the Five Wishes forms you can go to [www.agingwithdignity.org](http://www.agingwithdignity.org) or call 1-888-594-7437.

Whether you decide to use a Medical Durable Power of Attorney or the Five Wishes it is very important to talk with family members about your wishes and decisions. Even with these documents in place, if family members are conflicted about what treatments you may need or not need, physicians and hospital personnel may do everything to prolong a person's life, because of threat of a lawsuit by an unhappy family member. It is very difficult in time of crisis for family members to make hard decisions. It helps if they have been informed ahead of time as to what your wishes are.

### **FINANCIAL DIRECTIVES**

Financial Directives have two main advantages. They allow individuals to prepare financial instructions in advance of a debilitating illness when they would not be capable of handling their own affairs, and they empower family members or a designated agent to handle the financial affairs for an individual who can no longer do so. Again this is important in light of all the privacy rules regarding giving out information to a second party.

### **Durable Power of Attorney**

A Durable Power of Attorney (DPOA) is a legal document that names an agent to act on behalf of another person regarding financial decisions according to the wishes stated in the power of attorney. A "durable" power extends the agent's power to an agent should a period of incapacitation occur. In other words, it "endures" during the incapacity of the individual who assigned the DPOA. **To be "durable" the document must state that it is "durable" or "is not affected by the incapacity" of the individual.** If the power of attorney does not state this, it is considered a General Power

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of Attorney, which automatically becomes invalid when the individual becomes incapacitated.

A Durable Power of Attorney allows the agent to pay bills, manage assets, sell property, etc. It is preferable to have an attorney draw up a DPOA because it is important to be specific about the duties the agent can perform. Bank, insurance companies, and title companies do not have to recognize a DPOA if they feel that it does not offer complete instructions. Many financial institutions require that a financial power of attorney be dated within a certain time of when the agent tries to use it.

A Durable Power of Attorney is a powerful legal tool. For this reason the agent should be carefully selected as someone who can be trusted to act on the person's behalf without supervision. The Power of Attorney must be notarized. Any power of attorney is terminated upon the death of the principal (the person who signed the document). The Power of Attorney may be revoked by the individual at any time. If it is revoked, all persons and institutions must be notified of the change, in order to have the correct agent on record.

### **Conservatorship**

A Conservator is appointed by the court to manage the financial affairs of one declared unable to manage his or her financial affairs effectively according to Colorado statutory definition. A Conservator is required to file an inventory of personal and real property and to make a yearly report to the court showing financial activity. In some cases a detailed financial plan is required which may set up restrictions on how money is to be spent and what can and cannot be sold. The conservator has to make periodic reports to the court and petition the court for additional authority to sell real property and/or assets.

An attorney is usually needed for conservatorship proceedings, in addition to a hearing before a judge or magistrate. Conservator proceedings can take a month or more to complete and may cost at least \$1,000, or more, if contested. Besides being expensive, conservatorships are difficult to deal with, requiring several court appearances and court supervision. Most times a guardianship is set up in conjunction with a conservatorship.

### **SUMMARY**

In order to have some peace of mind for yourself, as well as your family members, it is imperative set up these directives while you can make the choices about your care. Once something happens and you are unable to make your own decisions, these documents cannot be put into place except for a Guardianship and Conservatorship. If nothing else, set up a Medical Durable Power of Attorney (or Five Wishes) and a Financial Durable Power of Attorney. And as important, let your family know what you have done, what you want, and who you have designated to make the decisions.

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**In the interest of collaboration within the Durango medical community, Mercy Regional Medical Center and Durango area physicians have partnered in a joint venture ambulatory surgery center, ASC Durango. The following physicians are partners with Mercy Regional Medical Center in this venture:**

Kimberly Furry, MD

Gary Scott, MD

Richard Lawton, MD

Jim Youssef, MD

Cyril Bohachevsky, MD

Robert Goodman, MD

Robert Desko, MD

Mark Stern, MD

David Deaver, MD

John Petty, MD

Michael Johnson, DDS, MD

Elizabeth Baca, MD

Kimberly Priebe, MD

Gregory Schackel, MD

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