Legal Issues: Practical Suggestions

Disclaimer: The information below is provided only as an introduction to the topic. The purpose is to provide a starting point and not intended as professional legal advice. You should consult an attorney for more information.

Advance Directives

Advance directives are signed legal documents informing you, your family and health care team of your wishes for future medical care. This includes instructions about life-sustaining treatments, such as ventilators. The documents must be signed and witnessed while you are mentally capable in order to be considered valid.

There are two types of advance directives:

--*Health Care Power of Attorney*: A health care power of attorney allows your designated person to make medical decisions on your behalf if you are unable to do so.

--*Living Will:* A living will is a statement that indicates to family and the health care team that you do not want your life prolonged by medical procedures if you are near death with little

chance of recovery. This document allows you to refuse treatment once you are incapacitated. A living will is not as effective as a health care power of attorney because the living will only expresses your preferences. A power of attorney gives your designated person legal authority to ensure that your wishes are carried out.

Patient Bill of Rights

In 1998, the U.S. Advisory Commission on Consumer Protection and Quality in the Health Care Industry adopted a Consumer Bill of Rights and Responsibilities. This is also known as the Patient's Bill of Rights.

This document was created with three major goals: 1) to help patients feel confident in the U.S. health care system, 2) to stress the importance of a strong relationship between patient and doctor, and 3) to stress the role patients play in their health by identifying rights and responsibilities of both patient and doctor.

There are eight key areas of the Patient's Bill of Rights:

1) Information Disclosure – Patients have the right to accurate and easy-to-understand information about their health plan, doctors and the health care facility.

2) Choice of Providers and Plans – Patients have the right to choose doctors who can provide high-quality health care when needed.

3) Access to Emergency Services – Patients have the right to be screened and stabilized using emergency services, without waiting for authorization and without financial penalty.

4) Participation in Treatment Decisions – Patients have the right to know their treatment options and take part in the decision about their care.

5) Respect and Non-Discrimination – Patients have the right to respectful, considerate care from all health care providers that does not discriminate.

6) Confidentiality of Health Information – Patients have the right to talk privately with their doctor and to have their health information protected. They have the right to read and copy their own medical record, as well as the right to ask their doctor to change the record if it is not accurate, relevant or complete.

7) Complaints and Appeals – Patients have the right to a fair, fast and objective review of any complaint against their health plan, doctors, hospitals or other health care staff.

8) Other Bills of Rights – This bill of rights focuses on hospitals and insurance plans. There are other bills of rights for special focuses, such as mental health and hospice.

Organizing/Storing Important Records and Papers

A cancer diagnosis usually includes many records and other paperwork. These may include medical records, insurance forms, and invoice and billing statements. These documents are important; having a system for accessing them easily will help both you and your medical team.

There are several ways to organize your documents, some of which are simple. You can keep papers in a filing cabinet drawer, a box or a three-ring binder that is indexed for specific categories. For a more detailed system, you can contact an organizing service or ask family members or friends what works best for them.

To Get Started:

--Base your filing system on information you need and who needs access to it. Use the method or system that works best for you and will allow you to easily find the information you need.

--Label boxes or files by categories. Personal information may include bank records, insurance policies, medical records and copies of advance directives. Don’t forget to include medical payment records, statements, notes made about important conversations with doctors, health insurance representatives, and employers.

--Keep important papers in one location. If possible, file papers as soon as you get them to insure they don’t get lost, discarded or misfiled.

--Teach your organizing and record-keeping system to a trusted family member or friend in the event there is an emergency or a time when extra help is needed.

If you scan and save important documents to your computer as a paperless filing system, make sure you back up your computer data on a regular basis. Keep a recent copy of your backup data in a safe place (safe deposit box or fireproof safe). If someone else has access to your computer files, make sure they have updated user names and passwords necessary to use the computer files.

Where to Store Legal Documents:

Document	Where to Store
Do Not Resuscitate Orders	Original: With your doctor Copies: With person designated to act on your behalf
Durable Power of Attorney for Financial Affairs	Duplicate Signed Originals: With you and your attorney Copies: With appointed representative
Durable Power of Attorney for Health Care	Duplicate Signed Originals: With your representative and attorney Copies: With primary doctor, health care team, nursing home and/or hospital
Living Will	Duplicate Signed Originals: With your doctor and representative Copies: Close family members