

What are the legal requirements for ACP documents?

AMD/DPOAH: *(legal document designating patient advocate(s) and treatment preferences)*

- Must have patient signature with 2 witness signatures.
 - Witnesses cannot be patient advocates, family members, or healthcare employees
- Designated patient advocates must sign to accept the role of patient advocate.

Designation of Patient Advocate Forms *(legal documents designating patient advocate, no treatment preferences)*

- Must have patient signature with 2 witness signatures.
 - Witnesses cannot be patient advocates, family members, or healthcare employees
- Designated patient advocates must sign to accept the role of patient advocate.

Mi-POST/DNR orders: *(out of hospital physician orders that EMS can act upon)*

- Michigan Law requires physician signature (*MCL 333.1053*)
- Michigan Law requires patient or patient advocate/guardian signature
 - Requires two witnesses: (ONE may be a family member and ONE may be a healthcare employee)

Letters of Guardianship: *(legal determination, letters from the probate court system)*

- May contain termination or modification of guardianship
- Must be signed and dated by a judge
- Letter signed by a judge indicating a person had been deemed incompetent to make decisions for themselves. The letters of guardianship outline the breadth of decision making authority a guardian has and can be limited, plenary/full, or very specific.
- Michigan Law (*MCL 700.5314*) requires the following in order for a guardian to authorize a DNR order
 - Guardian must have visited the ward within 14 days of the DNR execution
 - Execution of a DNR is deemed to fall within the patient's best interest with regards to the wards goals of care.

Living Will *(not legally binding in Michigan, serves as a treatment guide, may accompany designation of patient advocate forms)*

- A living will is a document that does NOT name patient advocate(s). This document typically states the kind of care someone wants or does not want.

Physician Letters of Incapacitation: *(clinical determination) may use Michigan Report of Physician or Mental Health Professional PC 630*

- Michigan Law requires the physician to make this clinical determination (*MCL 700.5304*)
- Must include indication/diagnosis for determining the patient lacks capacity and the anticipated length of time the patient may lack capacity.
- Must signify the breadth of incapacitation. Capacity is decision specific, therefore a patient may not be capable of making complex medical decisions such as to have surgery or not, but has the capacity to name a patient advocate or choose where to live.
- This may result in activating an AMD/DPOAH if one has been executed (see activation of AD/DPOAH)
- If no AMD/DPOAH exists, the State of Michigan does not offer guidelines for who can speak on behalf of another. Guardianship is often recommended in these situations.

Activation/Deactivation of AMD/DPOAH: *(clinical determination) may use MHC form #11588)*

- Michigan Law required two physicians to make the determination that an advocate has the authority to act (*MCL 700.5508*).