

# Pennsylvania's New Advance Directive Law ACT 169

## A Summary

- Previous law passed in 1992
  - Living will only covered terminal illness and permanent unconsciousness
  - Did not specify powers of surrogate
- Act 169 of 2006 effective 1/29/2007
- Allows end of life decision making for adult incompetent patient through:
  - Instructions in living will
  - By agent under Health Care Power of Attorney
  - By Health Care Representative appointed by patient or in order of the following categories
    - Spouse and children by prior marriage
    - Other adult children
    - Parent
    - Adult sibling
    - Adult grandchild
    - An adult with knowledge of the patient's preferences, values and beliefs
  - Representative authority same as agent except may not decline health care necessary to preserve life unless patient is in end-stage medical condition or permanently unconscious
- Terminal condition changed to "end stage medical condition"
  - Incurable and irreversible
  - In an advanced state
  - Will result in death, despite medical treatment
- Mandates formation of statewide advisory committee to examine that advisability and possible adoption of as standardized form of physician's order for patient's life sustaining treatment instructions, such as POLST
- Artificial nutrition and hydration
  - Assume patient would want, unless specifically stated otherwise in writing
  - Overcome presumption only if
    - Patient clearly expressed wishes to the contrary or it is clear from patient's preferences and values that patient would not want it.
- Resources
  - <http://www.pamedsoc.org/advancedirectives> - Professional
  - [www.myfamilywellness.org/](http://www.myfamilywellness.org/) - Public