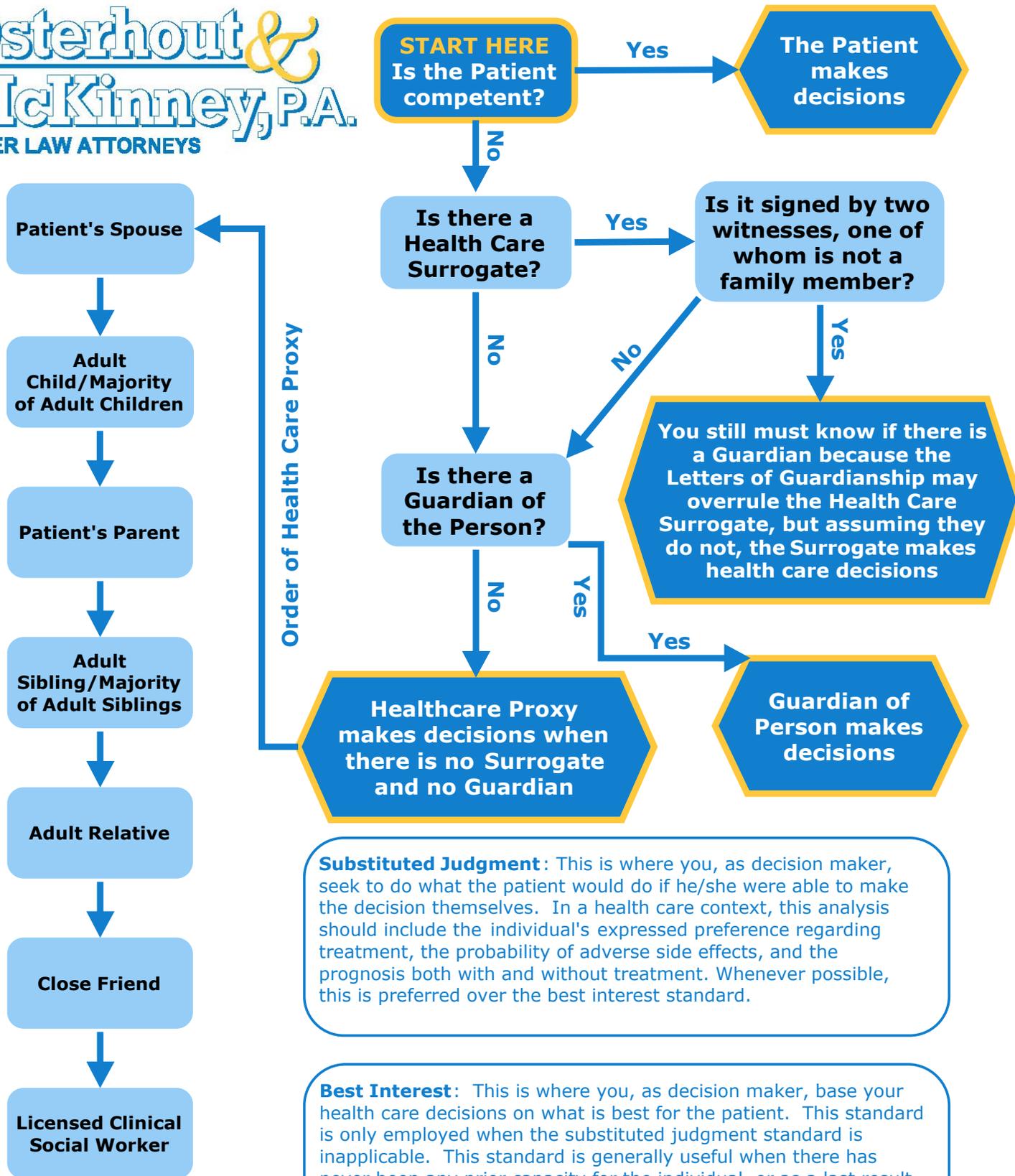


2016 Health Care Decision Making Quick Reference



Substituted Judgment: This is where you, as decision maker, seek to do what the patient would do if he/she were able to make the decision themselves. In a health care context, this analysis should include the individual's expressed preference regarding treatment, the probability of adverse side effects, and the prognosis both with and without treatment. Whenever possible, this is preferred over the best interest standard.

Best Interest: This is where you, as decision maker, base your health care decisions on what is best for the patient. This standard is only employed when the substituted judgment standard is inapplicable. This standard is generally useful when there has never been any prior capacity for the individual, or as a last result for when there is no prior guidance by the individual. Whenever possible, the Substituted Judgment Standard should be employed.

2016 Health Care Decision Making Quick Reference

- A Designation of Health Care Surrogate names the person you want to make medical decisions for you, in the event you are unable to make them yourself. The individual you name as your surrogate will act on your behalf only when one physician determines that you are not capable of making these decisions. You will continue to make all of your own medical decisions as long as you are capable of doing so.
- In many states, medical decision making documents are referred to as a Medical Power of Attorney. Although Florida uses the term Health Care Surrogate, valid out of state documents will generally be honored in Florida.
- In order to be valid in Florida, Designations of Health Care Surrogate must be signed in the presence of two witnesses. The person named as surrogate may not be a witness and at least one witness must be non-family.
- A court appointed guardian does not automatically trump a prior existing designation of health care surrogate although they commonly do. The healthcare provider should review the guardian's letters of guardianship to see whether the health care surrogate has been expressly overruled.
- Health Care Surrogates are bound to make decisions based on your wishes, so it is important that the people you have named know your wishes. This should include your wishes regarding your living arrangements and your burial arrangements.
- In addition to the Health Care Surrogate, the living will states your wishes regarding medical procedures, including life support and artificial nutrition and hydration. Your Health Care Surrogate can look to your living will for guidance in making medical decisions for you. It is important that you have discussions about these issues with the individual(s) that you name as health care surrogate.



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