



## Advance Directives

Providers must inform patients of their right to make health care decisions and execute advance directives. During routine Medical Record review, Molina Medicare auditors will look for documented evidence of discussion between the Provider and the Member. Auditors will also look for copies of the advance directive form. Advance Directives forms are state specific to meet state regulations. For a copy of forms applicable to your state please go to Caring Connections at <http://www.caringinfo.org/stateaddownload> to view forms available for download.

Advance Directives are a written choice made by a patient for health care treatment. There are two kinds of directives – Durable Power of Attorney for Health Care and Directive to Physicians. Written Advance Directives tell the Primary Care Physician (PCP) and other medical Providers how Members choose to receive medical care in the event that they are unable to make end-of-life decisions.

Each Molina Medicare Provider must honor Advance Directives to the fullest extent permitted under law. PCPs must discuss Advance Directives with a Member and provide appropriate medical advice if the Member desires guidance or assistance. In no event may any Provider refuse to treat a Member or otherwise discriminate against a Member because the Member has completed an Advance Directive. Medicare law gives Members the right to file a complaint with Molina Medicare or the state survey and certification agency if the Member is dissatisfied with Molina Medicare's handling of Advance Directives and/or if a Provider fails to comply with advance directive instructions.

**Durable Power of Attorney for Health Care:** This Advance Directive names another person to make medical decisions on behalf of the Member when they cannot make the choices for themselves. It can include plans about the care a Member wants or doesn't want and includes information concerning artificial life-support machines and organ donations. This form must be signed, dated and witnessed by a notary public to be valid.

**Directive to Physicians (Living Will):** This Advance Directive usually states that the Member wants to die naturally without life-prolonging care and can also include information about any desired medical care. The form would be used if the Member could not speak and death would occur soon. This directive must be signed, dated and witnessed by two (2) people who know the Member well but are not relatives, possible heirs, or health care Providers.

**When There Is No Advance Directive:** The Member's family and doctor will work together to decide on the best care for the Member based on information they may know about the Member's end-of-life plans.

Providers may access Advance Directives information for patients by visiting the Molina Medicare member website or by clicking on the information sheets below:

[Advance Directives Information Sheet for Molina Medicare Members](#)  
[Advance Directives Information Sheet for Healthy Advantage Members](#)