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The POLST form: Helping spell out the details of quality end-of-life care

Enacted in 2012, the Illinois Physician Orders for Life-Sustaining Treatment is designed to improve the quality of end-of-life care for patients.

Unlike an advanced directive, POLST forms are medical orders and are meant to supplement advanced directives. The POLST form is to be honored in health-care facilities and work in conjunction with patients and their health-care providers in determining end of life treatment.

The POLST form is a significant planning tool that attorneys and clients should be aware of throughout estate-planning discussions.

In Illinois, a variety of advanced directives exist, including:

- Living wills
- Durable powers of attorney for health care
- Health Care Surrogate Act
- Declaration for mental health treatment.

Powers of attorney and living wills

Both the durable powers of attorney for health care and the living will have the capacity and flexibility to ensure a patient's wishes are protected, while the POLST form offers a more specific and detailed end of life directive.

The discussions surrounded with the living will are for preferences concerning life-sustaining treatment that may occur in the future, not for a patient's current health and medical conditions. The POLST form takes this into account and is constructed for patients to make end of life decisions based on their current medical conditions.

The powers of attorney, on the other hand, allow you to appoint someone to act as your agent in the event you are unable to make

health-care decisions on your own. They are instrumental in the case of an emergency and are important for anyone over the age of 18 to have in place.

While the living will and powers of attorney for health care are typically intended for healthy people to express their wishes in hypothetical situations, they are not meant to be exclusive.

POLST

The POLST directive, however, allows for more specific and detailed end of life care. Unlike the powers of attorney and living will, POLST addresses the patient's present health conditions and is intended to be used by patients who are seriously or terminally ill. The POLST form is a standing medical order that must be followed by health-care providers and is honored in health-care facilities.

According to Dr. William D. Rhoades, chairman of the Advocate Lutheran General Hospital medicine department in Park Ridge, "Physicians and other medical professionals prefer the POLST form to other advance directives because it is the voice of the patient who cannot speak for themselves and is an order executed between the patient and their physician."

The form also allows patients to indicate their wishes regarding end of life decisions, such as CPR, resuscitation, antibiotics and feeding tubes. The POLST form is comprised of three parts:

- Part A — Cardiopulmonary resuscitation;
- Part B — Medical interventions, specifically comfort measures, and limited interventions such as antibiotics;
- Part C — Intubation and mechanical ventilation.

Directions on a POLST form allow patients to take control

THE BUZZ



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over their end of life treatment, as individuals can request, refuse or limit certain medical treatments, such as CPR, pain medications and intensive care.

Patients can select to avoid unwanted hospitalization or hospice care by choosing comfort measures only, seeking basic medical treatment or restricted additional interventions or selecting full treatment, which includes life support measures such as intubation or ventilation.

Communication with physicians and attorneys

As the form is a medical order, it is important for patients and their doctors to effectively communicate and work together to ensure that the POLST form is consistent with the patient's end-of-life wishes and treatment options.

"It is important that patients share the POLST form with physicians, attorneys and family members and have it available for any health-care provider in

order for the orders to be followed," said Rhoades.

Effective Aug 26, the Illinois legislature's recent amendments to the POLST form allow any health-care practitioner, instead of just the "attending physician," to sign and execute the form.

Previously, Part E of the form required the signature of the attending physician. This change now permits nurse practitioners, physicians' assistants and some physician residents to sign the POLST orders as well.

Because of continuous revisions and updates being made to these forms that greatly impact end-of-life decisions, it is important for attorneys to keep open communication with their clients regarding these matters.

Attorneys should also guide clients to work with their health-care providers by periodically reviewing the documents as their health conditions change and ensure that the forms are easily accessible should a crisis develop.

Many clients often have strong preferences and wishes regarding their end of life health-care treatment and the POLST form and advanced directives empower these individuals to take an active role in the decision-making process and control their treatment should life-threatening conditions arise now or in the future.

Markus sits on the Advocate Charitable Foundation's gift planning advisory committee. Advocate and Northern Trust are hosting a complimentary adviser breakfast Oct. 31 on multigenerational planning and planning for incapacity. Free Continuing Legal Education credit is available. To register for the event, contact John Holmberg at 630-929-6945.

Special thanks to Chuhak & Tecson P.C. law clerk Lorien Schoenstedt for her contribution to this column.