

MAINE DEPARTMENT OF CORRECTIONS

ADVANCE DIRECTIVE INFORMATION

You have the right to accept or refuse medical treatment. However, there may come a time when you become incompetent and cannot make decisions, or when you become incapacitated and cannot make your choices known. You can retain that right while you are able to think clearly by putting your choices in writing ahead of time. This is called an Advance Directive. An Advance Directive is a witnessed, written legal document, voluntarily executed by you, which states your wishes regarding the providing, withholding, or withdrawal of life-prolonging treatment in the event that you have a terminal condition or you are in a persistent vegetative state, and specifies those interventions you consent to or refuse.

If you wish to complete an Advance Directive, take these steps:

1. Obtain the Advance Directive form from your case manager (only the Advance Directive form approved by the Department of Corrections will be accepted as stipulated in the policy);
2. Review Department Policy (AF) 30.1, Advance Directives, which can be found on the state-issued tablet, or if you do not have a tablet, by requesting a copy from the facility librarian; and
3. If you do not have any questions, complete and sign the form in the presence of your case manager and another non-health care staff so that they can witness it. You can then submit the completed, signed, and witnessed form to facility medical staff, and it will become part of your MDOC health care record upon receipt by medical staff; or
4. If you do have any questions, request a meeting with a facility health care provider to discuss the form with you before you complete it.

Regardless of whether you submit an already completed, signed, and witnessed form to facility medical staff or you request a meeting with a facility health care provider to discuss the form with you before you complete it, a facility health care provider will meet with you to review and explain the form. At that time, you may ask any questions you have so that you fully understand the benefits and risks of life-prolonging treatment.

If as a result of that meeting, you decide to complete an Advance Directive or modify an already completed Advance Directive by completing a new one, you should go back to your case manager and follow the process described above. If you decide to revoke an already completed Advance Directive, you should put that in writing and submit it to the medical staff.

Note: An Advance Directive will not be activated in the case of a terminal condition or persistent vegetative state brought about by a suicide attempt or other self-injurious behavior, and all treatment decisions shall be made as if you had not signed an Advance Directive.

If you decide to modify your Advance Directive at any time, you may do so by completing another Advance Directive form (signed in the presence of and witnessed by your case manager and another non-health care staff) and submitting it to facility medical staff. Upon receipt by medical staff, the modified directive will become part of your MDOC health care record and will replace the previous Advance Directive. A facility health care provider will meet with you to review the modified directive.

If you decide to revoke your Advance Directive at any time, you may do so by notifying facility medical staff in writing, or by notifying any staff orally, and this will be documented in your MDOC health care record. If you revoke your Advance Directive, this will cancel your previously written wishes, and decisions about life-prolonging treatment will be made as if you had never signed an Advance Directive. A facility health care provider will meet with you to discuss the revocation.