

Veterans Health Administration White Paper
OMB No. 2900-0556 (VA Advance Directive: Durable Power Of Attorney for Health Care and Living Will)
December 2016

Background:

VA Form 10-0137, *VA Advance Directive: Durable Power of Attorney for Health Care and Living Will*, is used by VA patients to designate a health care agent and/or specify preferences for future health care. It is used by VA medical professionals to identify the patient's health care agent and/or preferences for future health care in the event that the patient loses medical decision-making capacity.

The VA has a requirement to provide translated form capabilities for vital documents of each regularly encountered Limited English Proficiency (LEP) group eligible to be served or likely to be directly affected by the recipient or covered entity's program. This is mandated in VHA Directive 2012-024 "Limited English Proficiency Title VI Prohibition Against National Origin Discrimination In Federally Conducted and Federally Assisted Programs and Activities". VHA Directive 2012-024 is based upon Executive Order (E.O.) 13166, Improving Access to Services for Persons with LEP.

The VA Advance Directive is invoked if a patient becomes unable to make health care decisions for him or herself. Use of the VA Advance Directive is specified in VHA Handbook 1004.02, Advance Care Planning and Management of Advance Directives. Veterans' rights to designate a health care agent and specify health care preferences in advance are codified in 38 CFR 17.32. This regulation also obligates VA to recognize advance directives and to use the information contained therein when health care decisions must be made for a patient that has lost decision making capacity. Use of advance directives is a well-established standard within clinical practice in the U.S. Offering the opportunity to complete an advance directive and the requirement to honor such documents is supported by Joint Commission standards and the Patient Self Determination Act of 1990 (applicable to Medicare providers.) Use of advance directives is also consistent with the health care ethics standard that patients have autonomy in health care decision making and have a right to control what is done to them in a medical setting.

The VA Advance Directive (Spanish-English) version will be used for the same purposes and in the same manner as the English version. However, it will be used to communicate the patient's preferences in both the veteran's preferred language (when it is Spanish) and communicate the information to English speakers that review the form to understand the patient's preferences.

Request:

The VA National Center for Ethics in Health Care (NCEHC) requests a non-substantive change to implement the use of the VA Form "10-0137 (Spanish-English)."