

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
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Authority/References KRS 197.020, 196.035, 311.621, 311.623, 311.6231, 311.625, 311.627, 311.629, 311.631, 311.633, 311.635, 311.637 and 311.641	Subject ADVANCE HEALTHCARE DIRECTIVES	

I. DEFINITIONS

“Advance directive” is defined in KRS 311.621.

“Decisional capacity” is defined in KRS 311.621.

“Living will” means a document in which a person states his desire to have or not have extraordinary life-prolonging measures used when recovery is not possible from his terminal condition and complies with KRS 311.625.

“Health Care Surrogate” means an adult who has been designated to make health care decisions in accordance with KRS 311.621 to 311.643

“Life-prolonging treatment” is defined in KRS 311.621.

“Do Not Resuscitate Order” means a written order which authorizes medical personnel to withhold cardiopulmonary resuscitation, including artificial respiration, and defibrillation, from a particular patient in the event of cardiac or respiratory arrest. Such an order does not authorize the withholding of other medical interventions such as intravenous fluids, oxygen, or other therapies deemed necessary to provide comfort care or to alleviate pain. A Do Not Resuscitate Order may hereinafter be referred to as a DNR Order.

“Permanently unconscious” is defined in KRS 311.621(13).

II. POLICY and PROCEDURE

A. Advance Directives

1. Advance directives are documents that specify end of life decisions and are signed only after the inmate receives appropriate information regarding the

meaning and consequences of such decisions.

2. The Department of Corrections (DOC) shall accept all properly executed, written advance directives and shall place the advance directives document after it is received in the inmate's medical record. The primary care provider or any medical department employee who receives an original or a copy of an inmate's advance directive upon admission, transfer, or commitment shall be responsible for ensuring that such original or copy is placed in the inmate's medical record.

B. Implementation

1. An inmate received by the Department of Corrections may upon admission be educated regarding the use of advance directives and Do Not Resuscitate Orders. The inmate may indicate his wishes through completion of an advance directive document that complies with Kentucky law.
2. The inmate may initiate advance directives at any time during incarceration.
3. The appropriate documents shall be read to an inmate who is not able to read, if the inmate is involved in the advance directive process during incarceration.
4. Any inmate whose decisional capacity is in question during the advance directive process shall be referred to a qualified mental health professional for a competency evaluation prior to completing any documents regarding advance directives.
5. Any inmate whose treating physician determines that his or her life expectancy is less than one year or who is to undergo a designated medical procedure shall be given the opportunity, before that procedure is performed, to sign or alter advance directives. The designated medical procedures shall include:
 - a. surgery
 - b. chemotherapy
 - c. admission to any outside hospital
 - d. admission to any DOC Medical Unit, including the Nursing Care Facility at Kentucky State Reformatory.

C. Changes in Directives

The inmate shall be offered the opportunity to update his advance directive document at least once each year, during the scheduled meeting with the Classification Committee.

D. Revocation

An inmate may revoke or alter any of his advance directives including the request for a DNR Order at any time without regard to his or her mental or physical condition. Revocation of any advance directive or DNR Order may be accomplished using any of the following means:

1. By written, signed, and dated declaration of the intent to revoke. An oral statement of intent to revoke may be made by any inmate with decisional capacity in the presence of two adults, one of whom shall be a health care provider.
2. By destruction of the original advance directives document by the inmate or by some person in the inmate's presence and at the inmate's direction.
3. An oral statement by an inmate with decisional capacity to revoke an advance directive shall override any previous written advance directive made.
4. When a revocation is communicated to any healthcare professional, that professional shall document this revocation in the inmate's medical record and immediately notify the responsible physician.

E. Implementation of Directives:

The DOC shall implement the advance directives of any inmate by the following procedure:

1. Upon completion, the advance directives document shall be placed in the inmate's medical file.
2. If the inmate is to be transported to any outside medical facility, the advance directive document shall be delivered to that facility.
3. If the inmate is admitted to the Nursing Care Facility or any other long-term medical unit within the DOC, the advance directive shall be placed in the medical chart for that unit.

F. Health Care Surrogate:

1. As part of the advance directive, an inmate may appoint a surrogate to make health care decisions for him when he no longer has decisional capacity. When making any health care decision for the inmate, the surrogate shall consider the recommendations of the primary care provider and attending physician and honor the decisions made by the inmate as expressed in his advance directive.
2. The surrogate shall not make a health care decision in any situation in which the inmate's primary care provider or attending physician has determined in good faith that the inmate has decisional capacity.

3. An inmate shall not appoint another inmate within the confines of the Kentucky Department of Corrections be his health care surrogate except if the inmate surrogate is a relative.
4. Employees of the Department of Corrections shall not assume the role of designated health care surrogate for any inmate nor shall they witness advance directive documents or requests for DNR Orders unless they are a notary public.