Victorian Legal Framework of ACP/ACD

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With the advancements in almost every field of life, healthcare and nursing are also getting advanced and effective. Now, healthcare professionals are highly concerned to spread awareness among the people regarding chronic diseases, their interventions, and preventive measures. Due to such efforts of healthcare professionals and the use of advanced technology in healthcare, people are able to live longer with chronic disease and disability. Many of the people have an idea of how to medically manage chronic diseases and disabilities. However, still, a large size of the population is unaware of the preventive measures against chronic diseases and the importance of timely treatment. Thus, this study argues that legal implications of ACP/ACD and healthcare awareness are highly essential to prepare the population for their future medical care.

Victorian has recently formalized the law relating to ACP/ACD in order to address the health awareness issues. Advance Care Planning (ACP) supports adults at any stage of health in understanding their preferences, life goals, and personal values related to future medical care. The aim of the ACP is to ensure that people are aware of the preventive measures against chronic diseases and receive medical care, consistent with their preferences, goals, and values. However, the Advance Care Planning requires effective communication between the healthcare providers and patients, or between the family and patients. The communication helps the patients to take decisions regarding specific medical treatment. Simply, ACP is a continual process, where patients’ medical situation and prognosis are reviewed, his/her preferences are elicited, and medical dilemmas are discussed with the patient. This process requires detailed discussion between the patient and clinician, where the ethical issues and legal aspects need to be kept under consideration (Janssen, Engelberg, Wouters, & Curtis, 2012). In some situations, the patients are not mentally ready to take any decision regarding their medical treatment. In such a situation, the healthcare providers, friends, and family members prove to be the great support to prepare the patient regarding future medical treatment. This situation occurs to many parents at old age, when they lack their capacity to make the decision for them. Thus the surrogates, such as children, must communicate with the parents to prepare them for their medical treatment and help them in their better decision making. However, the ethical considerations and legal frameworks help the patients to choose their surrogate for decision making on behalf of the patient, and nothing can be done forcefully (Detering & Silveira, 2018).

To keep the ethical measures at priority, the legal frameworks support Advance Care Directives (ACD). ACDs are the documents a person completes in possession of decisional capacity regarding future medical care and right of decision making on his/her behalf when loses the capacity to make decisions regarding medical care. ACDs are used as a legal tool and do not necessarily require ACP. Similarly, ACPs do not always yield Ads. However, one thing needs to be clear to medical institution and surrogate that ACDs can only be used when the patient does not remain in the capacity to make decisions otherwise ACP is the best to prepare the patients for their future medical care (Davison & Simpson, 2006).

In Victoria, the legal framework also supports the legal documentation of the patient regarding future medical care. According to this framework, the patient must sign an Advance Care Directive before the medical treatment starts. According to this ACD, the patient authorizes the healthcare provider or the surrogate to take a decision when the patient does not remain in the capacity of taking decision for him/her. These ACDs prove to be a great help to the healthcare providers in case of emergency, when they have to take emergency decisions without getting patient involvement in the decision-making process (Health, 2017).

The ethical principles related to ACP guide the healthcare providers and the surrogate regarding importance to the patients' will. Preparing someone for future medical care decisions is a sensitive process and legal restrictions. Victorian legal framework related to ACP provides proper documentation of how a healthcare provider or the surrogate must communicate with the patient regarding medical treatment. In this process, no one is allowed to force the patient in decision-making process instead the documentation supports the assistance to the patient regarding decision making for his/her future medical care in case he/she loses the capacity to make a decision and rest leave everything on patients' will. The ethical principals also restrict the healthcare professionals for taking medical care decision about the patient, in case of an emergency. The patients, via legal documentation, authorize an individual to take a decision on the behalf of the patient, and thus the professionals must consult to the authorized person in case of emergency and must follow his/her decisions even if healthcare providers do not agree with that. This is essential to keep the healthcare providers at the answerable position while keeping the patient's preferences at priority.

The use of ACP/ACD is beneficial for both; the patient and the healthcare providers. On behalf of the patient, keeping him/her satisfied before treatment is essential. When the patient completes the legal requirements of ACD, he/she remains satisfied regarding future medical care. It gives a thought to the patient that nothing wrong is going to happen even when he/she will not be in the capacity to make medical decisions for him/her. On the other hand, the healthcare providers use the proper conversation framework of ACP to prepare the patient regarding future medical care and complete process of ACD, via which they remain at the answerable position. However, according to ethical measures, the tool of ACP must be used properly to help the patient in their decision making, aware them regarding chronic diseases, and motivate them to remain prepared for fighting against the chronic diseases (Physicians, 2018).

Detering & Silveira (2018) also supported the concept of ACP/ACD as it is the best way to communicate with the patients regarding future medical care while keeping all legal measures on priority (Detering & Silveira, 2018). Davison & Simpson (2006) conducted an interview-based qualitative study to evaluate what does the patient think about the use of ACP/ACD. The findings of the study also showed that ACP/ACD is the best way to motivate the patient in taking medical care decision. Especially, these legal tools are helpful to those, who are facing last stages of their chronic diseases and may lose their sense or capacity of decision making at any time (Davison & Simpson, 2006).

Conclusively, communication with the patient regarding chronic diseases also becomes the source of comfort to the patient, where he can discuss the medical issues with healthcare providers and can obtain the desired answers. Some patients are not physically and mentally strong enough to take serious decisions regarding their healthcare, thus ACP helps them to build their capacity of taking decision for their better and healthy future.

# References

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