

Updated Advance Directive Forms Reflect Changes In Law

Substitute House Bill 392, effective Sept. 16, 2004, allows an individual to express within a living will document his or her intent to make an anatomical gift. As of Dec. 15, 2004, advance directive forms must reflect changes made through this law. For the intent specified within a living will, to be honored, the living will form must include a portion, before the signature line, that spells out the individual's intent to make an anatomical gift. Also, the living will document must include a donor registry enrollment form that an individual making an anatomical gift can send to the Bureau of Motor Vehicles to be included in the bureau's donor registry.

The new law also allows an individual who makes an anatomical gift through a living will declaration to amend or revoke that gift and to refuse to make an anatomical gift by specifying the refusal in the declaration.

The Ohio State Bar Association, in conjunction with the Ohio Hospice and Palliative Care Organization and Lifeline of Ohio, has revised the "official" advance directive document forms to comply with this new legislation.

The new living will form now includes definitions of the terms "anatomical gift" and "Donor Registry Enrollment Form." It also includes: a "donor intent" statement in the body of the form, and, at the end of the form, the actual Donor Registry Enrollment Form to be sent to the Bureau of Motor Vehicles. The new living will form instructs the declarant to make a copy of the Donor Registry Enrollment Form to be retained with the living will document and to send the original Enrollment Form to the Bureau of Motor Vehicles.

In addition, the new health-care power of attorney form now allows the principal to reference an anatomical gift intent statement made in his or her living will. This reference steers the attorney-in-fact to the principal's living will or to the Bureau of Motor Vehicles registry so the principal's wishes regarding anatomical gifts can be made known.

Please note: This new legislation does not invalidate forms that were drafted under the old law.