

# Revised 106A

## ADOPTED

### RESOLUTION

RESOLVED, That the American Bar Association urges Congress to amend the Patient-Self Determination Act (PSDA) provisions of the Medicare and Medicaid law to require that:

1. Every patient or patient's authorized representative be given an opportunity to discuss issues relating to advance care planning with an appropriately trained ~~professional~~ representative of the provider organization within a reasonable time after the patient's admission ~~to a facility covered by the PSDA;~~
2. Health insurance exchanges developed pursuant to the Patient Protection and Affordable Care Act of 2010 be required under the PSDA to provide advance care planning information and resource options for follow-up assistance; and
3. In the absence of a validly executed advance directive, any clear, undisputed expression of a person's health care wishes ~~with respect to health care~~ should be honored, as long as consistent with applicable law.

FURTHER RESOLVED, That the American Bar Association urges Congress and the United States Department of Health and Human Services to require the annual Medicare wellness examination, or other periodic doctor-patient interactions, to include both an opportunity to engage in and ~~assistance with~~ have resource options available relating to advance care planning for health decisions.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED

