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certain parts of an Advance Care Plan. Do keep in mind that an Advance Care Plan would carry more weight when it is countersigned by your doctor.

### **Why Advance Care Planning is NOT a form of euthanasia?**

Euthanasia is the painless termination of life or the killing of a patient suffering from an incurable and painful disease or in an irreversible coma.

Under Maltese Law, euthanasia is considered illegal and thus cannot be practiced in the Maltese medical field.

On the other hand, an Advance Care Plan is an expression of your values and preferences for care and support, to be adopted when you lose the capability to decide for yourself. Instructions in an Advance Care Plan would then be considered for inclusion in your end-of-life care plan by the medical team and the patient's/resident's family representatives on the basis of best interests judgments for you as a patient. Under such Advance Care Planning instructions, you can express your wish to avoid certain aggressive extraordinary interventions in care (e.g., your wish not to be fed by tube feeding in the end-of-life).

Such Advance Care Planning instructions in Malta cannot include decisions to terminate life and therefore an Advance Care Plan is not euthanasia.

### **Where can I find or download an Advance Care Plan form?**

The Geriatric Medicine Society Malta has drawn up an Advance Care Plan form for the benefit of persons living in the Maltese Islands. This form can be downloaded for free. A Maltese and English version is available for download from the GMS website (<https://gmsmalta.com>)



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## **Advance Care Plan**

**Information Leaflet  
for Patients, Relatives  
and Significant Others**



## What is an Advance Care Plan?

Advance Care Planning offers you the opportunity to identify and express your values, beliefs, and preferences for care to be considered in illness situations when you are no longer able to make decisions on your own. Furthermore, through an Advance Care Plan, you can identify a person whom you trust and who knows you well to act as your representative in future decisions if you are unable to make such decisions for yourself.

## Why should I do my Advance Care Plan in writing? To whom should I give a copy?

Advance Care Planning done in writing helps others know what type of medical care and support you want. It is always best to keep a copy yourself as well as give a copy to a family member or significant other whom you trust and who is in your confidence. It would also be advisable to give a copy to your doctor as well as ask that a copy be kept in your Personal Hospital Medical File. At times giving a copy to your lawyer or notary may also help, particularly when your wishes concern complex decisions.

## What is not included in your Advance Care Plan?

An Advance Care Plan is an expression of your preferences for care and support when you are

no longer able to decide. An Advance Care Plan is not legally binding and you cannot impose your preferences on your doctors who should always act in your best interests. At the same time, through an Advance Care Plan, you cannot ask for treatment that is considered by the medical team as unnecessary, disproportionate, or extraordinary care for your needs.

For example, a medical team may consider a discussion on the benefit of a kidney transplant when the patient is still healthy, but it may seem unnecessary and extraordinary when one is 90 years old, bed-ridden, and frail.

In addition, an Advance Care Plan cannot be used as a substitute for a will or testament. Expressing your preferences of what should be done with your estate once you pass away does not fall within the parameters of an Advance Care Plan. Disposing of your wealth remains within the domain of the legal profession and still needs to be done with your notary.

## Is an Advance Care Plan an Advance Directive?

The main difference between an Advance Care Plan and an Advance Directive (sometimes called a living will), is that an advance directive is a formal legal document. To date, Maltese law is silent with regard to advance directive preferences for end-of-life care. However Maltese law has provisions to support advance directives regarding your preferences for organ donation when you pass away. A link with respect to directives for

organ donation is found here or visit the website: [organdonation.gov.mt](http://organdonation.gov.mt)

## When does an Advance Care Plan come into force?

An Advance Care Plan comes into force when you are no longer able to make decisions for yourself. Loss of ability to make decisions yourself can happen as a result of progressive mental deterioration associated with dementia or because of other mental degenerative disorders like Huntington's Disease. It can also occur when a massive stroke, severe organ failure, terminal cancer, or its treatment (e.g., high dosage of morphine for pain relief) affects your ability to reason in sufficient clarity to make decisions about your health.

## What does it mean "when I am not in a position to decide"?

Normal daily life is full of decisions, small and large which we make all the time. An adult human being is considered to have the capability to decide for himself for his care and support needs. Such decisions are best done in consultation with the health professional involved in your care. Certain situations of ill health can lead to a loss of capacity to make decisions about your care, these include medical situations like when one suffers from advanced dementia. This can also happen if and when certain medical situations affect your mental abilities to make decisions, such possibilities can happen with a massive stroke, progressive degenerative brain disorders like

Huntington's Disease, terminal cancer, or severe organ failure (like end-stage heart failure and end-stage lung failure).

## Can I refuse to write an Advance Care Plan? Can I cancel or alter an Advance Care Plan?

You have every right to refuse to fill out an Advance Care Plan. Such refusal will not lead to any consequences on your care or how you are considered as a person in care. Since an Advance Care Plan is an expression of your views and preferences for care and support, you always retain all the right to add to, delete or alter an Advance Care Plan as your medical condition changes over time.

## Can I ask a family member or doctor to help me fill out an Advance Care Plan?

It is often wise, though not necessary, that you involve a family member or significant other to help you fill out an Advance Care Plan. Such discussion involving a family member or significant other helps them to better understand what are your preferences, if and when the time comes for them to make decisions for you should you be unable to do so.

Yes, your doctor, nurse, or social worker, being the professionals who know you and your medico-social condition best may be consulted to help you understand and fill out