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# **ADVANCE DIRECTIVES AND LIVING WILL**

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In December 2017, the Italian Parliament approved a new law on living wills, Law n. 219/2017, known as the Advance Healthcare Directive (DAT). It entered into force on 31 January 2018. This law gives all adults of full mental capacity the possibility to formally give indications regarding the medical treatments that they want to receive in case they are no longer able to make that choice at the necessary time because of illness or mental incapacity. In this way, Italian citizens can write their own advance healthcare directives in case of a future illness. It is always possible to modify, revoke and reconfirm it.

What are DAT? Every adult over the age of 18 years old, deemed sound of mind, expecting himself/herself no longer to be capable of self-determination in the future, may make use of the so-called DAT (disposizioni anticipate di trattamento, the Italian for anticipated instructions for treatment). By filling in the relevant paperwork, a person expresses his/her wishes related to medical treatments, including consent or refusal of artificial hydration and feeding. DATs shall be binding for the doctor unless they are manifestly inappropriate or non-compliant with the patient's current medical condition or unless some therapies which could not be predicted or were not known at the time a person signed DATs, become available.

A person wishing to avail themselves of DATs must have them drafted as a public deed or as a certified private instrument, which may be delivered to the registry office of the municipality of residence or to healthcare facilities and hospitals, where equipped with electronic management systems. Fiduciary. A patient may also appoint a trustee, who will represent them in all relations with the doctor and medical centres.

The law provides the possibility to nominate a fiduciary: anyone can choose a person (such as a family member) who, thanks to his favored position, can rightly interpret the healthcare directive in light of medical and scientific evolution. It is important to underline the fact that through the living will it is not possible to demand medical treatments that are against the law. This means that the document cannot provide medical treatments that are illegal under Italian law, for example Article 5 of the Civil Code prescribes that it is forbidden to cause the permanent reduction of the person's physical integrity if this is not essential to save the person's life.

After writing the biological will, it is possible to convert it into an official record and file it to the public administration, for example the mayor of the city of residence, or to a notary. Also, if the region of residence regulates the collection and the storage of living wills, it is possible to file it to the relevant healthcare facility.

Informed consent. This law on Biotestamento protects a person's right to life, health, dignity and self-determination and provides that no medical treatment can be started or continued without the patient's freely given and informed consent. All people have the right to know their health conditions and to receive exhaustive, updated and comprehensible information about the diagnosis, prognosis, benefits and risks of diagnostic tests and of prescribed medical treatments, as well as about the possible alternatives and consequences connected with a possible refusal of treatment.

Possible interruption of artificial feeding and hydration. Every adult, over the age of 18 years old, deemed to be sound of mind, has the right to fully or partially refuse any treatment or to revoke, at any time, the consent he/she gave, even should such a withdrawal of consent entail an interruption of the treatment in question. Feeding and hydration are comparable to medical treatments. It will therefore be possible to request that their administration be stopped or to refuse them.



Prohibition of futile medical care and deep sedation. Based on the new law, the doctor must endeavour to relieve the patient's suffering, even if the patient has refused to grant or revoked his/her consent to medical care. Where a short life expectancy or imminent death prognosis has been given to a patient, the doctor must, however, abstain from unreasonably persisting in dispensing medical care. In case of illnesses resistant to medical treatments, the doctor may resort to continuous deep palliative sedation associated with pain therapy, with the patient's consent.

Psychological support. Should the patient decide to revoke or refuse medical care, the doctor must inform the patient about the consequences of such a decision as well as about any possible alternative and he shall promote any action which may support the patient, also seeking psychological support services.

Minors and disabled persons. Minors, under the age of 18 years old, or disabled persons must receive all the information regarding health choices in such a way that is suitable for their capabilities, so that they can be in the position to express their wishes. Informed consent on medical treatments to be given to minors shall be granted or refused by the parents or legal guardian, the patient's will must always be considered.