



EXECUTIVE SUMMARY ON ADVANCE DIRECTIVES IN MADRID

Used terminology

- Instrucciones previas

In the Autonomous Region of Madrid, Healthcare Directives have been regulated at regional level since 2001 by the *Ley 12/2001, de 21 de diciembre, de Ordenación Sanitaria de la Comunidad de Madrid* (Law 12/2001 of December 21st, concerning Health Regulation in the Autonomous Region of Madrid).

LEGAL FRAMEWORK

Advance Directives in the Autonomous Region of Madrid are in keeping with legislation at national level (refer to the report on advance directives in Spain of www.advancedirectives.eu)

The Autonomous Region of Madrid has developed its own legislation with regards to healthcare directives. In 2001, Madrid passed *Ley 12/2001, de 21 de diciembre, de Ordenación Sanitaria de la Comunidad de Madrid* (Law 12/2001 of December 21st, concerning Health Regulation in the Autonomous Region of Madrid), which, in article 28, addresses healthcare directives. (Available for consultation at: <http://www.boe.es/boe/dias/2002/03/05/pdfs/A08846-08881.pdf>)

In 2005, Madrid passed *Ley 3/2005, de 23 de mayo, por la que se regula el ejercicio del derecho a formular instrucciones previas en el ámbito sanitario y se crea el registro correspondiente* (Law 3/2005 of May 23rd, for the regulation of the exercise of the right to draw up healthcare directives within the health sector and the creation of the



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corresponding registry). (Available for consultation at:
<http://www.madrid.org/cs/BlobServer?blobcol=urldata&blobtable=MungoBlobs&blobkey=id&blobwhere=1158614987306&blobheader=application%2Fpdf>)

Subsequently, Madrid passed *Decreto 101/2006, de 16 de noviembre, del Consejo de Gobierno, por el que se regula el Registro de Instrucciones Previas de la Comunidad de Madrid* (Decree 101/2006 of November 16th, issued by the Governing Council, for the regulation of the Healthcare Directives Registry of the Autonomous Region of Madrid) (available for consultation at:

<http://www.madrid.org/cs/BlobServer?blobcol=urldata&blobtable=MungoBlobs&blobkey=id&blobwhere=1158614987332&blobheader=application/pdf>)

One month later, Madrid passed *Orden 2191/2006 de 18 de diciembre, por la que se desarrolla el Decreto 101/2006 y se establecen los modelos oficiales de los documentos de solicitud de inscripción de las instrucciones previas y de su revocación, modificación o sustitución* (Order 2191/2006 of December 18th, for the implementation of Decree 101/2006 and the drawing up of official models of the documents to request registration of healthcare directives and revoke, modify or substitute such directives). (Available for consultation at:

<http://www.madrid.org/cs/BlobServer?blobcol=urldata&blobtable=MungoBlobs&blobkey=id&blobwhere=1158614987345&blobheader=application/pdf>)

Finally, in 2007, Madrid passed *Orden 645/2007, de 19 de abril, del Consejero de Sanidad y Consumo, por la que se regula el otorgamiento de las Instrucciones Previas, su modificación, sustitución y revocación ante el personal al servicio de la Administración* (Order 645/2007, of April 19th, issued by the Department for Health and Consumer Affairs, for the regulation of the execution of Healthcare Directives and their modification,



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substitution and revocation before the personnel in the employ of the Administration).

(Available for consultation at:

<http://www.madrid.org/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1202745514506&ssbinary=true>)

GENERAL CHARACTERISTICS

- Any individual over 18 years of age who is acting freely and not legally incapacitated may draw up a healthcare directives document.
- One or more proxies may be appointed to act as interlocutors with doctors and healthcare personnel with regards to the content of advance directives.
- The proxy may be any individual of legal age who is legally qualified to act in this capacity, with the exception of the following individuals: the notary who authorises the Advanced Directives Document; the civil servant in charge of the Advanced Directives Registry (in the event that the document is executed before personnel in the employ of the Administration); the witnesses before whom the document is formalised; and the staff in the health institution where the Advance Directives will be applied.
- In order to be valid, the healthcare directives document must be executed via one of the following procedures:
 - a) Before the personnel in the employ of the Administration (the civil servant in charge of the Registry).
 - b) Before a notary.
 - c) Before three witnesses
- Whilst the Healthcare Directives Statement must always take written form, where registration is sought, the document must be presented in the Advance Directives



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Registry by the interested party or by a third party empowered to undertake this task. The forms can be downloaded from the Autonomous Region of Madrid's Health web site and subsequently printed (forms are available online at the following site:

[http://www.madrid.org/cs/ContentServer?vest=1156329829777&pagename=PortalSalud%2FPage%2FPTSA_pintarContenidoFinal&cid=1142427322640&rendermode=preview&language=es\)](http://www.madrid.org/cs/ContentServer?vest=1156329829777&pagename=PortalSalud%2FPage%2FPTSA_pintarContenidoFinal&cid=1142427322640&rendermode=preview&language=es)

- The official model must be used when executing the document before the civil servant in charge of the registry and/or registering Healthcare Directives. Where registration is not sought, any model may be employed.
- The following documentation is required for registration:
 - When executing before the head of the registry
 1. The D.N.I. (National Identification Document) of the executor.
 2. In the event that a proxy has been appointed, his or her D.N.I. must also be presented along with a signed written consent confirming their willingness to act in this capacity (this does away with the need for the proxy to go to the Registry in person).
 - In the event that the document is executed before witnesses
 1. The D.N.I. (National Identification Document) of the executor.
 2. The document of execution.
 3. The request for registration, signed by the executor and employing the official model.
 4. The statements of the witnesses (signed by each of the witnesses) and a photocopy of the D.N.I. of each of the witnesses.
 5. A statement signed by the executor wherein he or she confirms the veracity of the details provided.



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6. In the event that proxies have been appointed, a photocopy of the D.N.I. of each proxy must also be presented along with a signed written consent confirming their willingness to act in this capacity.
 7. In the event that the documentation required for registration purposes is presented by a third party rather than the executor, the third party must produce a document empowering them to act in this capacity.
- In the event that the document is executed before a notary
1. A notarial deed containing the execution.
 2. The D.N.I. (National Identification Document) of the executor.
 3. In the event that a proxy has been appointed, his or her D.N.I. must also be presented along with a signed written consent that will be incorporated into the notarial deed.
 4. The request for registration, signed by the executor and employing the official model.
 5. In the event that the documentation required for registration purposes is presented by a third party rather than the executor, the third party must produce a document empowering them to act in this capacity.
- Once executed, the Advance Directives document may be modified, substituted or revoked by the executor at any time and a written record will be made. In the event that the Advance Directives have been registered, modification, substitution or revocation will be requested via the official model prior to re-registration.

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In addition to the National Registry of Healthcare Directives, Madrid has created its own registry, a dependency of the Autonomous Government's Department for Health, wherein executors may register their documents. This registry is connected to the National Registry of Healthcare Directives.

As of the 1st of June 2008, 1880 advance directives have been registered in the Autonomous Region of Madrid (the equivalent of 30.4 healthcare directives per 100,000 inhabitants).

FURTHER INFORMATION ON MADRID

Further information on Advance Directives in Madrid is available on the following web sites:

- Portal de Salud de la Comunidad de Madrid [The Health Web Site of the Autonomous Region of Madrid] www.madrid.org. Information on advance directives is available on the following web site:
http://www.madrid.org/cs/ContentServer?vest=1156329829777&pagename=PortalSalud%2FPPage%2FPTSA_pintarContenidoFinal&cid=1156329829777&rendermode=preview&language=es
- The Healthcare Directives Registry of Madrid
Appointment requests: telephone 012 or 914 000 000
Information on Healthcare Directives: Telephone 914 000 000 or 913 387 799
Address of the Registry: C/ Sagasta nº 6, 1ª Planta. Despacho 101
Opening Hours: from 09:00 to 14:00
In addition, all queries with regards to Healthcare Directives can be addressed to the following e-mail: sanidadinforme@salud.madrid.org



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