

The State of Idaho’s previous advance directive form had a sentence that said “If I am diagnosed as pregnant, my instructions regarding medical care shall have no force during my pregnancy.” In 2021, an Idaho federal court determined that sentence is NOT required. Instead, individuals have the right to include in their advance directives their actual wishes regarding the medical care they would or would not want if they become incapacitated while pregnant.

As a result of the court’s ruling, the State has sent all registrants notice of the ruling and a new form of Advance Directive Template, which includes the following language:

Check one box and initial the line after such box:

If I have been diagnosed as pregnant, this Directive shall be honored in its entirety during the course of my pregnancy.

OR

If I have been diagnosed as pregnant, I direct that the following treatment shall shall not be withheld or withdrawn:

OR

If I have been diagnosed as pregnant, my instructions regarding medical care shall have no force during my pregnancy except that my healthcare agent is authorized to make such decisions for me.

Anyone wishing to access a new form may do so at the DHW website: <https://healthandwelfare.idaho.gov/advancedirective>. The new form is here: <https://publicdocuments.dhw.idaho.gov/WebLink/DocView.aspx?id=21779&dbid=0&repo=PUBLIC-DOCUMENTS&cr=1>. If a lawyer helped with a prior advance directive, a registrant can contact that lawyer for help. The State is not responsible for paying a lawyer, but registering a new advance directive with the State registry is free.

If an existing registrant makes changes, or a person wants to become a new registrant, they should update the registry by sending a new form electronically to IHDR@dhw.Idaho.gov, OR mailing the documents to:

Idaho Healthcare Directive Registry
450 W State Street, 4th Floor
PO Box 83720
Boise ID 83720-0036

If you are a governing body of a hospital licensed in the State of Idaho, you are requested to replace any old Advance Directive Templates with the revised template above, and to update any informational materials to reflect the fact that the Pregnancy Exclusion in the old template is not required.

All hospitals are requested to offer the revised template in their patient populations' primary languages to all pregnant patients who pre-register for care.