

ANNALS OF HEALTH LAW
Advance Directive

Editor's Note

The *Annals of Health Law* is proud to present the Tenth Issue of our online, student-written publication, *Advance Directive*. *Advance Directive* aims to support and encourage student scholarship in the area of health law and policy. In this vein, this issue explores the challenges and opportunities facing the long-term care industry and consumers of long-term care. The authors examine a variety of issues related to long-term care, ranging from the viability of long-term care insurance to the use of electronic health records (EHR) in long-term care facilities.

The Issue begins by exploring issues related to caring for individuals with terminal illnesses. First, our authors examine the effect of the Patient Protection and Affordable Care Act's (PPACA) elimination of lifetime limits on cancer patients and the ability to pay for necessary healthcare. Second, we explore the legal issues associated with using tracking devices when caring for patients with Alzheimer's who have a propensity for wandering.

The Issue then addresses the role that advance directives play in end-of-life care planning and how the current legal landscape, at times, falls short of adequately serving patients. First, we examine the legal and policy implications of physician-assisted suicide. Then, our authors address the role that culture plays in a patient's willingness to execute advance directive documents. Specifically, our authors explore how advance directives may be devised to address various cultural norms. Finally, we examine how mental health advance directive forms may better communicate a patient's wishes than the current forms do.

Our authors next explore the opportunities and challenges currently facing nursing homes and their residents. First, we address ethnic disparities in the quality of nursing homes and provisions in the PPACA that may be available to help address this issue. Next, the authors explore the benefits of EHR use in nursing homes, while also examining whether the PPACA goes far enough in incentivizing nursing homes to implement EHRs. Finally, we address the ways in which nursing homes in Illinois can be exposed to liability and whether the Illinois legal framework is specific enough, such that nursing homes can adequately protect themselves from liability.

The Issue then addresses the ongoing debate between community-based and institutional care, including the ability of institutional care to adequately serve specific populations. First, we examine the effects of moving to community-based care on the lesbian, gay, bisexual, transgender, and queer (LGBTQ) community. Specifically, we examine whether community-based care is the best option for the LGBTQ community, or whether this population's needs are better served by institutional care. Second, our authors explore the benefits of moving intellectually and developmentally disabled individuals into community-based care. Third, we explore whether Illinois' movement toward deinstitutionalization for the mentally ill will succeed in properly caring for the State's mentally ill population. Finally, on a similar note, the authors analyze whether the Illinois Nursing Home Care Act adequately addresses the challenges of caring for mentally ill patients in nursing homes.

Finally, the Issue concludes by examining potential solutions for addressing the problem of costs associated with long-term care in the United States. First, we address the possibility of repealing the spousal anti-impaoverishment provision as a means for reducing costs to Medicaid for long-term care. Second, we explore the possibility of expanding Medicare to cover the costs of long-term care. Third, our authors examine long-term care insurance and the ways in which it fails to adequately fund long-term care for consumers. Finally, we take a broader view and explore the ways in which improving primary care will serve to lessen the cost burden on the long-term care industry.

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We hope you enjoy your Tenth Issue of *Advance Directive*.

Sincerely,

Carrie S. Gilbert
Advance Directive Editor
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