

Advance Directives

What is a Living Will?

A living will informs your physician that you want to die naturally if you develop an illness or injury that cannot be cured. It tells your physician that, when you are near death or are in a vegetative state, he or she should not use life-prolonging measures, which postpones, but does not prevent death.

A living will allows you to refuse treatment or machines, which keep your heart, lungs or kidneys functioning when they are unable to function on their own.

A living will goes into effect only when two (2) physicians agree in writing that you are either near death and are unable to understand or express your health care choices or are in a vegetative state that cannot be reversed.

What is a Power of Attorney for Health Care?

The power of attorney for health care is a form in which you appoint another person (a "health care agent") to make health care decisions for you if you are not capable of making them yourself. When you complete this document, you give authority to your health care agent to make a wide range of health care decisions for you, such as, whether or not you should have an operation, receive certain medications, or be placed on life support. In some areas of health care, your health care agent is not allowed to make decisions for you unless you give him or her specific authority in these areas when you complete the form. These areas are listed on the form. Because your health care agent will make decisions for you based upon what he or she knows about you and thinks is best for you, it is important to choose someone who knows you well and to discuss your treatment preferences with him or her.

You can also include specific instructions about the type of treatments you want or do not want (such as surgery or tube feedings) when you complete the form.

A power of attorney for health care goes into effect only when two (2) physicians, or a physician and a psychologist, agree in writing, that you can no longer understand your treatment options or express your wishes to others.

What is the difference between a Living Will and a Power of Attorney for Health Care?

A living will is effective only when your death is very near or when you are in a vegetative state and have no cognitive abilities. It deals only with the use or nonuse of life-prolonging measures.

A power of attorney for health care goes into effect when you can no longer make health care decisions but you do not have to be close to death or in a vegetative state. The power of attorney for health care allows another person to speak for you and make health care decisions for you that are not limited to just artificial life support. The type of decisions this person can make depends upon the extent of authority you give when you complete this form.

Should I have both a living will and a power of attorney for health care?

It is not necessary to have both a living will and a power of attorney for health care. If you do have both documents, you should make sure they do not conflict. If they do conflict, a health care provider will follow the instructions of a power of attorney for health care rather than instructions in the living will.

What if I change my mind?

You can cancel or replace a living will or power of attorney for health care at any time. The different ways you can do this are explained on the forms that you complete when you make a living will or appoint a power of attorney for health care.

Does my health care provider have to follow my advance directive?

Some health care providers and physicians may have policies or beliefs, which prohibit them from honoring certain advance directives and would obligate them to refer you to an alternate provider if possible. It is important to discuss your advance directives with these people to make them aware of your wishes and to determine if they will honor your advanced directives. If they will not, you may want to choose another health care provider.

What happens if I don't make an advance directive?

You will receive medical care if you do not make an advance directive. However, there is greater chance you will not receive the types of care and treatments you want if you have not made an advance directive.

If you cannot speak for yourself and have not made an advance directive, a physician will generally look to your family, friends, or clergy for decisions about your care. If the physician or health care facility are unsure, or if your family is in disagreement about the decisions, they may ask the courts to appoint a person (guardian) who will make decisions for you.

Where should I keep my advance directive?

You should keep your advance directive in a safe place where you and others can easily find it. (Do not keep it in a safe deposit box.) You should make sure your family members and your lawyer, if you have one (1), know you have made an advance directive and know where it is located. You should also ask your physician to make your advance directive part of your permanent medical record.

I have some questions. Who can answer them or give me additional help?

Your social worker, physician or other health care providers can help you understand your health care needs and the options for treating these needs. They can answer questions about advance directives.

You can also contact your lawyer for assistance.