



Advanced Directives

An Advanced Directive is a document stating your health care choices and naming someone to make the choices for you if you become unable to do so.

Competent adults have the right to refuse or accept medical treatment after being informed of the procedures and risks. However, there is growing concern over how medical care decisions will be made when people are unable to make decisions for themselves. Today, medical technology presents us with a number of treatments that prolong life. Some people do not want such treatment; others wish to take advantage of every procedure available. Often, decisions must be made when the patient is no longer able to state preferences.

A growing number of people are stating their health care choices in writing while they are still able to make decisions. These legal documents are called Advanced Directives, more commonly known as a Living Will and Durable Power of Attorney for Health Care.

It is advised to speak to a physician about the effect of withholding or withdrawing different treatments. It is a good idea to discuss decisions with family members. While it is not necessary to consult an attorney for your Advanced Directives to be legally binding document, it is often helpful.

If an Advanced Directive has not been executed and the patient is unable to make decisions, other with make healthcare decisions for that patient in consultation of a physician. These decision-makers should be guided by the patient's intentions. However, with a Living Will or Durable Power of Attorney for Health Care, the patient will have a greater assurance that their wishes will be carried out.

A Living Will is a document directing the patient's physician that certain life-sustaining procedures should be withheld or withdrawn if the patient is in a terminal condition and unable to decide for themselves.

A life-sustaining procedure is any mechanical or artificial means which sustains, restores or supplants a vital body function and which would only prolong the dying process for a terminal patient. A mechanical respirator is an example.

In addition, medication or medical procedures necessary to provide comfort or relieve pain are not life sustain procedures and would not be withheld under a Living Will.

A Durable Power of Attorney for Health Care is a document through which you name another person known as your "attorney-in-fact" or "agent" to make healthcare decisions for you if you are unable to make them. This agent is required to make decisions according to directions you may provide in the document or otherwise. If your wishes are not known, your agent shall make decisions in your best interest.

How does a Durable Power of Attorney for Health Care differ from a Living Will? Both documents apply only when you are unable to make healthcare decisions. A Living Will applies only if it is your intention to have life-sustaining procedures withheld or withdrawn and you are in a terminal condition. It is a directive to your physician.

A Durable Power of Attorney for Health Care lets you name an agent to make health care decisions in accordance with your wishes. If you wish, you may specify the health care you want or don't want. Its application is not restricted to patients with a terminal condition or to decisions about life-sustaining procedures.

The person named in a Durable Power of Attorney for Health Care should be someone you trust and who has consented to act as your agent. If your agent is unable or becomes unwilling to serve it is advisable to have named an alternate who can step in and act as your agent. Your agent can make any health care decisions regarding treatment of your physical or mental condition. In all cases, your agent must make decisions in accordance with your wishes. If you wish, you may limit the scope of your agent's authority.

It is important to discuss your wishes with the person who will be your agent. You may also state your wishes on the Durable Power of Attorney for Health Care Form. If your agent doesn't know your wishes, he or she has a duty to act in your best interest considering your condition and prognosis. If you know you want life-sustaining procedures withheld or withdrawn when you are in a terminal condition, you may also want to sign a Living Will since it provides direction to your physician and you will not have to rely on an agent to communicate those wishes.

If you are uncertain about which documents are best for you, consult your physician or attorney for guidance. Put the original in a safe but accessible place. Provide copies to family members and, if a Durable Power of Attorney for Health Care has been executed, to the appointed agent and alternatives. Give a copy to your physician. You might wish to file a copy with your local hospital, if it accepts such forms.