

# Your Options: Advance Directives

## Introduction

Advance Directives are forms that describe, in advance, what kind of treatment you want or do not want under serious medical conditions. It also designates who you want to make health decisions for you.

This pamphlet will give you basic information and may help you with these important decisions. Laws regarding Advance Directives vary from state to state. We recommend that you consult with your family, close friends, your prescriber, a social worker or lawyer regarding your individual needs and what may benefit you the most.

## What Kinds Of Advance Directives Are There?

There are several types of Advance Directives available: a Living Will, a Medical Power of Attorney and a Health Care Surrogate.

A **Living Will** gives information on the kind of medical care you want (or do not want) if you become terminally ill and unable to make your own decisions. It is called a "Living" Will because it takes effect while you are living. It describes which treatment you want if your life is threatened and you need breathing machines, resuscitation if you stop breathing or if your heart stops, tube feedings, and organ or tissue donation after you die.

Many states have specific forms that must be used for a Living Will to be considered legal and binding. In all cases, your Living Will must be signed, witnessed, and dated. Some states require notary verification.

A **Medical Power of Attorney or Health Care Surrogate** document is a legal agreement that names another person (frequently a spouse, family member, or close friend) as an agent or proxy. This person would then be able to make medical decisions for you if you should become unable to make them for yourself. This is not limited to terminal illnesses, but to any situation where you are unable to make the decision or communicate the decision.

## What Type Of Advance Directive Is Best For Me?

For many people the answer depends on their specific situation, or desires for their health care. Sometimes the answer depends on the state in which you live. In some states, it is better to have one versus the other.

In most states, you can have both, either as separate forms or as a single combined form.

### **How Do I Create An Advance Directive?**

First, consult with your prescriber's office or home care agency about where to get information specific for your state. Your local Area Agency on Aging for state health department are also good resources for advance directive information and guidance.

Once you have discussed the options available, consult with any family members or friends who may be involved in your medical care. This is extremely important if you have chosen a friend or family member as your "agent" or Durable Power of Attorney.

Be sure to follow all requirements in your state for signature, witness signature, notarization (if required), and filing. Your family or friend should receive a copy or the original document. Keep another copy in a secure location. If you have an attorney, he or she will keep a copy as well.

You should review your advance directives each year to ensure it is accurate and reflects your current wishes.

### **How Does My Health Care Team Know I Have One?**

Many organizations and hospitals are required to ask you if you have one. Even so, it is a good idea to tell your prescribers and nurses that you have an Advance Directive, and where the document can be found.

Many patients keep a small card or note in their wallet that states the type of Advance Directive, where it is located, and a contact person, such as your Durable Power of Attorney "agent," and how to contact them.

### **What If I Change My Mind?**

You can change your mind about any part of your Advance Directive, or even about having an Advance Directive, at any time.

### **What If I Don't Want An Advance Directive?**

You are not required by law to have one. Many home care companies are required to provide you with this basic information, but what you choose to do with it is entirely up to you.

### **For More Information...**

This pamphlet has been designed to provide you with basic information. It is not a substitute for consultation with an experienced legal advisor or knowledgeable social worker. These persons, or your home care agency, can best answer more detailed questions, and help guide you towards the best Advance Directive for you.

Additional information and help with specifying your requests can also be found at web site: <http://www.agingwithdignity.org> or <https://longtermcare.acl.gov/>.