

Commonly Asked Questions about Advance Directives

What is an Advance Directive?

An advance directive tells your medical team and loved ones what kind of care you would like to receive if you become unable to communicate for yourself or make your own medical decisions. It only comes into play if you cannot communicate your own wishes. In short, an advance directive ensures your right to accept or refuse medical care. You can say, “yes” to treatment you want, or “no” to treatment you do not want.

What are the different types of Advance directives?

The two most commonly prepared advance directives are:

Living Wills - A living will lets an individual leave written instructions about the kinds of medical treatment they would or would not want to have in the event they ever become mentally or physically unable to choose or communicate their wishes.

Medical Power of Attorney - A medical power of attorney allows a person to appoint a health care surrogate decision-maker who is legally bound to execute a patient’s wishes if the patient is unable to communicate for them self. It is very important to let someone know you have picked him or her to be your surrogate decision-maker. There are many cases in which someone has been picked to be the health care surrogate, yet they have never had a conversation with the patient about their end-of-life preferences. If you do not have someone you can trust fully to serve as your surrogate decision-maker and follow your wishes, you do not have to name one. You can still complete a detailed living will to make your wishes known.

It is possible to have both of these documents in place. It is also possible to combine elements of both documents into a single comprehensive Health Care Advance Directive. Document types vary by state.

What do I need to consider before making an advance directive?

There are many important things to think about. For example:

What are my goals for treatment? *The advance directive may determine what happens to you over a period of time or at the very final stages of your life. You can help others respect your wishes if you take some steps now to make your treatment preferences clear. What do you want the treatment to accomplish? Is it enough that treatment could prolong your life, whatever the quality? Or, if life-sustaining treatment could not restore consciousness, would you rather stop treatment?*

Who should be my Healthcare Surrogate? *Choosing your surrogate is an important part of this process. Your surrogate will need to know your health and personal decisions. Speak to the person, or the alternate surrogates, beforehand to explain your desires. Confirm their willingness to make decisions on your behalf and their understanding of your wishes.*

How specific should I be? *An advance directive does not have to give directions or guidelines for your surrogate. However, if you have specific wishes or preferences, it is important to make them clear.*

May I Cancel or Change an Advance directive?

Yes. You have the right to cancel or change a directive at any time. You can cancel or change your advance directive by creating a new document with new signatures and new dates. It is helpful to destroy all copies of the old directive when a new one is created. Any change or cancellation should be written, signed, and dated in accordance with state law.

What happens if I do not have an advance directive in place?

If you do not have an advance directive and cannot make your own health care decisions, some states give decision-making power to default or surrogate decision-makers. These surrogates, often family members (i.e., spouse, oldest child, etc.), can make some or all health care decisions. In these situations, choices about your health care may not reflect your wishes. Family members and persons close to you may have to make life and death decisions without your direction.

Who should be notified about my advance directive?

- If you have a directive document, give a copy to your healthcare surrogate, as well as other people close to you whom you would like to know your wishes.
- Ask your physician to make your advance directive part of your permanent medical record. If you have more than one physician, make sure all involved in your care have a copy of the directive.
- Keep a copy of the directive in a safe place where it can be found easily if it is needed. For example, if you are admitted to the hospital, have your copy readily available. The hospital will ask you for a copy of your Directive for their medical records.
- Keep a small card in your wallet stating that you have an advance directive, where it is located, and who your surrogate is if you have named one.

What is the process to initiate a health care advance directive?

This depends on where you live. Most states have laws that provide special forms and signing procedures. Most states also have special witnessing requirements and restrictions on whom you can appoint as your healthcare surrogate. Typically, states require two witnesses. Some require or permit a notarized signature. Please check the rules in your states for specific requirements.