

What is an Advance Directive?

An advance directive is a legal document that explains how you want medical decisions about you to be made if you cannot make the decisions yourself. An advance directive lets your health care team and loved ones know what kind of health care you want, or who you want to make decisions for you when you can't. An advance directive can help you think ahead of time about what kind of care you want. It may help guide your loved ones and health care team in making clear decisions about your health care when you can't do it yourself. These decisions may include special actions or emergency care from your health care team.

Advance directives only apply to health care decisions and do not affect financial or money matters. The laws around advance directives are different from state to state. Talk to your health care provider (or your lawyer) about filling out your advance directive when you are still healthy, in case you become too ill or are unable to make medical decisions for yourself in the future.

Types of Advance Directives

The most common types of advance directives are the living will and the durable power of attorney for healthcare (sometimes known as the medical power of attorney).

Before you create an advance directive, you will want to talk with your health care provider, your loved ones, and at least one person that you may want to choose as your proxy or agent (substitute decision-maker). Tell them about your situation, wishes, and fears, because they are the ones who will help put your wishes into effect if you are unable to do so.

Living Will

The living will is a legal document used to state certain future health care decisions only when a person becomes unable to make the decisions and choices on their own. The living will is only used at the end of life if a person is terminally ill (can't be cured) or permanently unconscious. The living will describes the type of medical treatment the person would want or not want to receive in these situations. It can describe under what conditions an attempt to prolong life should be started or stopped. This applies to treatments including, but not limited to dialysis, tube feedings, or actual life support (such as the use of breathing machines).

Before your health care team uses your living will to guide medical decisions, 2 physicians must confirm that you are unable to make your own medical decisions and you are in a medical condition that is specified by your state law as terminal illness or permanent unconsciousness.

There are many things to think about when writing a living will. These include:

- If you want the use of equipment such as dialysis machines (kidney machines) or ventilators (breathing machines) to help keep you alive.
- Do not resuscitate orders (instructions not to use CPR if breathing or heartbeat stops).
- If you want fluid or liquid (usually by IV) and/or food (tube feeding into your stomach) if you couldn't eat or drink.
- If you want treatment for pain, nausea, or other symptoms, even if you can't make other decisions (this may be called comfort care or palliative care).
- If you want to donate your organs or other body tissues after death.

It is important to know that choosing not to have aggressive medical treatment is different from refusing all medical care. A person can still get treatments such as antibiotics, food, pain medicines, or other treatments. It is just that the goal of treatment becomes comfort rather than cure.

Living will laws vary from state to state. Be sure to know your specific state laws. If you spend most of your time in more than one state, be sure to speak to your health care provider and review each of the states' laws. Also, check your state so you know if you have to renew your living will, and if so, how often you have to do it.

Durable Power of Attorney

A durable power of attorney for health care, also known as a medical power of attorney, is a legal document in which you name a person to be a proxy (agent) to make all your health care decisions if you become unable to do so. Before a medical power of attorney can be used to guide medical decisions, a person's physician must certify that the person is unable to make their own medical decisions.

If you become unable to make your own health care decisions, your proxy or agent can speak with your health care team and other caregivers on your behalf and make decisions according to the wishes or directions you gave earlier. If your wishes in a certain situation are not known, your proxy or agent will make a decision based on what he or she thinks you would want. If you regain the ability to make your own medical decisions, your proxy (agent) can't continue to make medical decisions on your behalf.

The person you name as a proxy or agent should be someone who knows you well and someone you trust to carry out your wishes. Your proxy or agent should understand how you would make decisions if you were able, and should be comfortable asking questions and advocating to your health care team on your behalf. Be sure to discuss your wishes in detail with that person. You may also choose to name a back-up person in case your first choice becomes unable or unwilling to act on your behalf.

Durable power of attorney laws vary from state to state. Talk to your health care team and check your state laws.