

End-of-Life Decisions: Advance Directives

What are advance directives?

“Advance directives” are legal documents that allow you to plan and make known your end-of-life wishes in the event that you are unable to communicate. Advance directives consist of (1) a living will and (2) a medical power of attorney. A living will describes your wishes regarding medical care. With a medical power of attorney you can appoint a person to make health care decisions for you in case you are unable to speak for yourself.

What is a living will?

A living will is an advance directive that guides your family and health care team about the medical treatment you wish to receive if you are unable to communicate your wishes. According to your state’s living will law, this document is considered legal as soon as you sign it and a witness signs it, if that is required. A living will goes into effect when you are no longer able to make your own decisions.

What is a medical power of attorney?

A medical power of attorney is the advance directive where you select a person you trust to make decisions about your medical care if you are temporarily or permanently unable to communicate and make decisions for yourself. This includes not only decisions at the end of your life, but also in other medical situations. This document is also known as a “health care proxy,” “appointment of a health care agent” or “durable power of attorney for health care.” This document goes into effect when your physician declares that you are unable to make your own medical decisions. The person you select can also be known as a health care agent, surrogate, attorney-in-fact or health care proxy.

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Who should I select to be my medical power of attorney?

You should select someone you trust, such as, a close family member or good friend that understands your wishes and feels comfortable making health care decisions for you. You should have ongoing conversations with this person to talk about your wishes at the end of life. Make sure your medical power of attorney feels comfortable and confident about the type of medical care you want to receive.

It is essential that you fully discuss your wishes about treatment in case of losing cognitive function or falling into an irreversible coma. Most state laws prevent your doctor or any professional caregiver from being assigned as your health care agent. You can also select a second agent as an alternate in case your first health care agent is unwilling or unable to serve.

How can I prepare my advance directives?

You can fill out both a living will and a medical power of attorney form without a lawyer. The National Hospice and Palliative Care Organization, your state hospice organization, local hospitals, public health departments, state bar associations or state aging offices provide state-specific forms and instructions. It is very important that you use advance directive forms specifically created for your state so that they are legal. Read the forms carefully and make sure you follow the legal requirements determined by your state. You may need to have a witness signature and get the forms “notarized” (signed by a notary public).

Keep your completed advance directives in an easy to get to place and give photocopies to your primary medical power of attorney and your secondary, alternate agent. This document stays in effect unless you cancel it or decide to complete a new one with changes.

Can health care professionals refuse to honor my advance directives?

Some health care professionals may choose to ignore what is written in your living will if they believe that what is written is against your best interest or for moral or religious reasons. In some cases there may be a misunderstanding of the law, medical ethics or professional responsibilities. It is important for you to know if your doctor will honor your request. If not, you may need to choose another doctor who will honor your request. Bring your completed living will to your next health care appointment and ask your doctor if he or she has questions or concerns.

Who would decide about my medical care if I did not complete advance directives?

If you are unable to make decisions, health care professionals must consult your family members. Some states have decision-making laws to identify individuals who may make decisions on your behalf when you do not have advance directives such as your spouse, parents or adult children.

Do advance directives include my wishes about organ donation, cremation, or burial?

Some states may include your wishes about whether you want to be an organ donor as part of the advance directive. If it is not included, you can still write down your decision about organ donation. However, you should fill out a specific form for that purpose.

You should also let your loved ones know if you wish to be buried or cremated.

If you have questions or would like to request additional information on advance directives, please contact the resources listed below.

Resources

- ◆ Cuidando con Cariño, Compassionate Care HelpLine
877-658-8896
www.hispanichealth.org
cuidando@hispanichealth.org
- ◆ National Hospice and Palliative Care Organization HelpLine
800-658-8898
www.caringinfo.org
caringinfo@nhpco.org
- ◆ Su Familia: The National Hispanic Family Health Helpline
866-783-2645
www.hispanichealth.org
sufamilia@hispanichealth.org
- ◆ Aging with Dignity
www.agingwithdignity.com