

HEALTH CARE ADVANCE DIRECTIVES*

Living Wills, Health Care Proxy/Power of Attorney, Do Not Resuscitate Order

An Advance Directive, Living Will, Health Care Proxy or Power of Attorney, and a Do Not Resuscitate Order are documents to address what your desires for medical care are under various circumstances. They may be separate documents or some may be combined. They may be called by different names by various states, organizations and internet sites. Regardless of terminology, they are documents you prepare while you are able to make decisions to guide your medical care when you cannot make those decisions because of a serious accident, injury or a terminal illness. In some cases they may also authorized someone to make decisions for you.

There are a variety of online resources for getting information on these important documents. One place to start is the AARP website www.aarp.org/relationships/caregiving-resource-center/info-11-2010/lfm_living_will_and_health_care_power_of_attorney.html. There are many online sources for samples of the various documents.

What Are Advance Directives

Advance Directives explain what kind of medical care you want and do not want to have if you are unable to make medical decisions yourself. They generally provide directions about your care and treatment when your injury or illness will eventually result in your death. The treatments you stipulate may differ depending on how sick you are. For example, you may want certain treatments if you have an injury or illness from which you may potentially recover or die after a prolonged period and different treatments if you are going to die or if you are permanently unconscious and on life support (a machine that breaths for you).

In your Advance Directive, you may want to direct whether you want:

- Resuscitation to restart your heart once it has stopped beating or to include a Do Not Resuscitate Order
- A mechanical breathing machine such as a ventilator to breath for you
- Intravenous feeding by a tube in your stomach
- Dialysis if your kidneys are failing
- Medication such as antibiotics to treat infections
- Palliative care which keeps you comfortable through pain management
- To donate your body, organs or tissue upon your death

In certain Advance Directives you may also indicate who you would like to make medical decisions for you when you cannot and when they are empowered to make those decisions. This designation can be included in the Advance Directive itself or in a separate “**Health Care Power of Attorney**” or “**Medical Power of Attorney**” or “**Health Car Proxy**.”

One common form of an Advance Directive is a Living Will. While a Living Will is a form of Advance Directive and may address the same issues, the two may differ depending on how they are written and the legal requirements of each state. For example, a Living Will can be more limited in what it covers and may only address what care or treatment you want if you are already on life-support. Often they address whether you do or do not want extraordinary steps taken to extend your life.

Why Prepare an Advance Directive/Living Will

With an Advance Directive you can get the care you want and avoid prolonging your life and suffering by remaining in an unwanted condition. You also provide a guide for doctors and caregivers if you are seriously injured, terminally ill, in a coma or have serious dementia. Finally, you may relieve grieving caregivers and family of the burden of making medical decisions for you without your guidance.

Preparing and implementing an Advance Directive/Living Will

There are several ways to prepare an Advance Directive with or without an attorney. It may be prudent to obtain opinions about how to prepare the documents from authoritative sources such as an attorney, the DC government website or reputable web resources. They will help you determine the best approach for you to use. Options include:

- Engaging an attorney to create the documents and provide instructions about having them witnessed
- Preparing a document yourself and have it witnessed by two people unrelated to you
- Completing the District of Columbia Declaration/Health Care Directive, a living will form available on the internet, and have it witnessed by two people who are not relatives or your health care provider
- Having your document witnessed and signed by a notary at a bank.
- Discussing with your family what you want without providing written direction – That will enable them to tell your health care providers your desires but may not have the same impact as a written statement.

You can change your documents and desires over time.

It is often helpful to discuss your medical treatment desires and your Advance Directive with your family and/or close friends, as well as with any caregivers, and regular health care providers, including hospitals and to provide them with a copy. Hospitals will usually ask you or the people accompanying you if you have a directive when you are admitted. It is best to have a hard copy of one available to give them.

Usually, your Advance Directive can guide medical decisions about your care when two physicians certify that you are unable to make the decisions and your medical condition is as specified in the document.

Health Care Proxy /Health Care or Medical Power of Attorney

These are the same document with different names and are often prepared by an attorney although that is not required. In Washington, DC the official form is called “the District of Columbia Durable Power of Attorney for Health Care” and requires the signature of two witnesses to be valid. The form is available online. It becomes effective once your physician and usually a behavioral health provider certify your inability to make decisions.

In your Health Care Proxy or Power of Attorney for Health Care you name someone to make decisions about your medical care if you cannot. You do not need to have a terminal condition for your “attorney” or “agent” to make decisions, unlike most Living Wills. You may, for example, be unconscious or be in a mental state that makes you unable to make decisions. You may also spell out what treatments you do and do not want in the document on the same terms as in an Advance Directive.

Do Not Resuscitate Order

In your Advance Directive, Living Will or Health Care Proxy you can indicate that you do not want to be resuscitated if your heart stops or you stop breathing. You can also tell your doctor. Hospitals and some facilities such as nursing homes have DNR forms for you to complete for yourself or an individual for whom you are the primary caregiver.

***Disclaimer:** *This document provides some introductory about Advance Directives and Medical Powers of Attorney but is not definitive or legal guidance. There are many websites that explain the documents. DC also has a site explaining its requirements and providing DC forms.*

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