

FAQ: Advance Health Care Directives

This FAQ gives general information. It does not replace medical or legal advice from a professional. You should talk with your doctor about your advanced health care directive. Consult your attorney if you want legal advice.

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| What is an advance health care directive?..... | 1 |
| Why should I complete an advance health care directive? | 2 |
| Who can complete an advance health care directive? | 2 |
| How do I complete an advance health care directive? | 2 |
| What if I change my mind? | 3 |
| How long will my advance health care directive stay in effect? | 3 |
| Do my doctors have to follow my advance health care directive? | 3 |
| Will my advance health care directive be followed in other states? | 4 |

This document is one of a series covering advance directives, living wills, and end-of-life decision making. You can find more information at www.myfamilywellness.org/endoflife.

1. What is an advance health care directive?

Advance health care directives are also called “advanced directives.” There are two main types:

- In a **health care power of attorney**, you name a person who you trust to make health care choices for you. This person is your **health care agent**. The instructions you give in your power of attorney control what choices your agent may make, when your agent may make those choices, and how you want your agent to make choices.
- In a **living will**, you express your wishes about life support and other end-of-life care. Instructions in a stand-alone living will take effect only when you are incompetent (cannot understand, make, and communicate your treatment choices) and you either have an end-stage medical condition or are permanently unconscious.

You may make a **combined directive** that gives your health care agent power to make your health care choices and states your “living will” wishes for end-of-life care.

2. Why should I complete an advance health care directive?

Anyone may lose their ability to make health care choices without warning due to an unexpected illness or accident. Completing an advance health care directive allows you to choose who makes your health care choices and to have a voice in your care when you cannot speak for yourself.

Your advance health care directive also can help comfort your family and friends when you have a serious medical problem. By sharing your treatment wishes in writing, you spare them from having to make tough decisions without knowing what you would want.

3. Who can complete an advance health care directive?

- Any adult (18 years of age or older) of sound mind may complete an advance health care directive.
- A minor (less than 18 years old) of sound mind also may complete an advance health care directive if he or she has married, has graduated from high school, or is emancipated (legally free from control of parents).

4. How do I complete an advance health care directive?

Pennsylvania law makes it easy to complete an advance health care directive. You just need to write down your wishes and sign and date your directive in the presence of two adult witnesses.

Although the Pennsylvania law on advance health care directives includes a form, you do not need to use that form. You may use another form of your choosing, or you may write your own directive, as long as it meets the requirements of the law.

The Pennsylvania Medical Society is working with doctors, hospitals, and attorneys to develop a form that you may use. Watch the Family Health and Wellness website for the Pennsylvania Medical Society's advance health care directive form, which will include complete instructions and comply with Pennsylvania law.

In the meantime—if you'd like to get started on your advance health care directive right away—see *Five Steps: A Guide to Help Plan Your End-of-Life and Future Health Care* (www.myfamilywellness.org/5steps) or use these example forms in the Pennsylvania law:

- Combined Living Will and Health Care Power of Attorney (www.myfamilywellness.org/endoflife)
- Living Will Declaration (www.myfamilywellness.org/endoflife)

5. What if I change my mind?

Pennsylvania law also makes it easy for you to amend (change) or revoke (cancel) your advance health care directive if you change your mind.

Remember to talk to your doctors and other health care providers, health care agents, and close family members and let them know that you have changed or canceled your directive, and make sure that your most recent directive is in your medical and legal files.

6. How long will my advance health care directive stay in effect?

You should read your advance health care directive from time to time to make sure it still expresses your wishes.

Your advance health care directive will stay in effect for as long as you live, unless you or a guardian of your person revokes it or you provide a time limit or other conditions for an earlier termination in your directive.

Pennsylvania has a new law for advance health care directives—Act 169 of 2006. It took effect on January 29, 2007.

An advance directive completed under the old law is still valid. But you may want to update it. For example, you may want to appoint a health care agent and remove old language that followed the old rules, such as a requirement that your medical condition be confirmed with a second opinion.

7. Do my doctors have to follow my advance health care directive?

Your doctor and other health care providers generally must treat choices made by you in your living will or by your health care agent as if you made the choices personally. There are some exceptions.

Pennsylvania law requires health care providers to give life-sustaining treatment to incompetent pregnant women in some circumstances.

Pennsylvania law also permits health care providers to not follow choices made by you in your living will or by your health care agent in some other situations, such as when they believe it would be morally wrong. In these cases, they must tell you or your agent and make a reasonable effort to transfer you to a provider who is willing to honor the choice.

Be sure to share your advance health care directive with your doctors and other health care providers and discuss with them whether they will be willing to follow your wishes.

8. Will my advance health care directive be followed in other states?

Most states have laws that allow advance health care directives (living wills, health care powers of attorney, or both) and recognize directives signed in other states as long as the directive is consistent with their law.

Also, even if your directive is not officially recognized under the law of another state, your written wishes in your directive may help guide the decisions of people who make your health care decisions for you when you are not able to make them yourself.