

Advance Directives

Advance Directives are written instructions which communicate your wishes about the care and treatment you want if you reach a point where you can no longer make your own health care decisions

All health care facilities that receive Medicare and Medi-Cal payments **must provide patients with written information** concerning 1) their right to accept or refuse treatment and 2) their right to prepare advance directives. **The law does not require that you actually have or make an advance directive.**

Under California law an adult persons with decision making capabilities have the right to accept or refuse medical treatment or life sustaining procedures. Artificial nutrition and hydration are among the medical procedures you have the right to accept or refuse.

REASON WHY YOU MAY WANT TO PREPARE AN ADVANCE DIRECTIVE

- To ensure you receive the care and services you desire.
- To ensure the refusal of treatment at a determined stage if you have previously stated your desires to do so.
- To designate the person you would like to make decisions on your behalf.
- To ensure that family and friends understand your wishes regarding health care. If you do not make your wishes clear, your family members and friends may not agree about what type of care and treatment you would want. It is possible that your desires will not be carried out, since a conflict may lead to a lengthy court delay.

Being prepared with an Advance Directive, you can say WHAT TYPES OF TREATMENT YOU WANT, and WHO YOU WANT TO SPEAK FOR YOU.

THE DURABLE POWER OF ATTORNEY FOR HEALTH CARE

This is a legally binding document that allows the person you choose (the “agent”) to make health decisions for you if and when you are no longer able to make such decisions. You should select a person who knows you well, and whom you trust. Your agent may be a relative or a friend, but must not be your attending doctor. The Durable Power of Attorney for Health Care allows your agent to make any and all health care decisions for you once you are no longer able to decide. This includes routine medical decisions, as well as more complicated decisions. Your agent can even decide to withdraw or withhold life sustaining procedures if you give your agent that authority.

To be valid, the document must be signed by you. The document must also be witnessed by two qualified adult witnesses.

Those persons not eligible to be witnesses are your doctor, nurse, their employee or any other healthcare professional.

You do not need a lawyer to fill out a Durable Power of Attorney for Health Care. The Durable Power of Attorney for Health Care allows you, in writing, to declare your desire to receive life sustaining treatment under certain conditions. You may list any instructions you want pertaining to health care.