

# ADVANCE DIRECTIVES: A Guide for Medical Care Decisions



## Who decides about my medical care or treatment?

If you are 18 years or older with sound mental capacity, you have the right to make decisions about your medical treatment. You should talk to your doctor or other health care provider about any treatment or procedure so you understand what will be done and why. You have the right to say yes or no to treatments recommended by your doctor. If you want to control decisions about your health care even if you are no longer able to express them yourself, you will need an “advance directive.”

## What is an “advance directive”?

An advance directive is a set of directions you give about the health care you would or would not want in the event you lose the ability to make decisions for yourself. In North Carolina, **there are three types of formal documents: a living will; a health care power of attorney; and an advance instruction for mental health treatment.**

- A **living will** is a legal document stating the desire to die a natural death. This means that you do not want life-prolonging medical treatment\* used to keep you alive if there is no reasonable hope of recovery. A living will gives your doctor permission to withhold or

withdraw life support systems under certain conditions.

\*Life-prolonging medical treatment includes any medical procedure, which artificially postpones the moment of death by supporting or replacing a vital bodily function. A living will allows you to give specific directions about artificial nutrition and/or hydration.

- A **health care power of attorney** is a legal document in which you name a person(s) that you want to make medical care decisions for you if you later become unable to make those decisions for yourself. This person is called your “health care agent.”

You should choose an adult you trust to be your health care agent. Choose someone who knows you very well and who can make difficult decisions. Sometimes a spouse or family member is not the best choice because they are too emotionally involved with you. Sometimes they are the best choice. You know best. Make sure you choose someone who is able to stand up for you so your wishes are followed and most importantly be sure to talk about your wishes with this person to be certain he/she will follow them.

## How does a valid living will work?

The living will gives your doctor permission to withhold or discontinue life support systems under three conditions:

- You have an incurable or irreversible condition that will result in death within a relatively short period of time.
- You become unconscious and your health care providers determine that, to a high degree of medical certainty, you will never regain consciousness.
- You suffer from advanced dementia or any other condition which results in the substantial loss of cognitive ability and your health care providers determine that, to a high degree of medical certainty, this loss is not reversible.

## When does an advance directive go into effect?

The powers granted by your advance care documents go into effect when your doctor determines that you are not able to make or to make known your health care choices.

## Can I change my mind?

You can cancel or modify your living will or health care power of attorney at any time. You must inform your doctor and other health care providers that you want to cancel it and you should destroy the original and all copies of it. (Make sure you keep a list of persons who receive copies.)

## Do I have to have an advance directive?

No. However, if you do not have a living will or health care power of attorney and you are unable to make your own medical decisions, someone else must decide for you. Your guardian, spouse or the majority of your parents and children will be asked to make the decision. Your family may not be able to agree on what action to take. The lack of decision by your family could lengthen your suffering and increase your medical bills. Advance directives remove tough decisions from your family's shoulders and make the decisions yours.

## What if I have a current advance directive from another state?

States have differing requirements. Current legislation allows North Carolina to recognize any advance directive that was completed validly in another state. If you are moving permanently to North Carolina, you may still want to consider North Carolina documents.

## What should I do with my Living Will and Health Care Power of Attorney?

Once you have properly completed these documents, there are a few steps to take to be sure your wishes are carried out by your doctors, family and loved ones:

- Send a copy to your doctor or any medical facility where you have regular treatment. Be sure to include a cover letter with your name, address, phone number, and date of birth.
- Talk about your wishes with your doctor, family, and your health care agent.
- Give a copy to your health care agent.
- Give copies to your family and loved ones. You might also want to give a copy to your minister.
- Keep the original document in a safe and easily accessible place at all times. You should make an extra copy for yourself as well, in case you lose your original or it is accidentally destroyed or damaged.
- Bring a copy of your Living Will and Health Care Power of Attorney with you if you are going to the hospital.

## Where can I get more information?

Hospice of the Piedmont has a number of available resources including books, pamphlets and a listing of various websites. Our social workers can tell you how to get more information, or check our website at [www.hospiceofthepiedmont.org](http://www.hospiceofthepiedmont.org) or [www.caringinfo.org](http://www.caringinfo.org).



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