

# Advance Health Care Directives

## Frequently Asked Questions for Consumers

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### **What is an Advance Health Care Directive (AHCD)?**

An AHCD is a way to make your healthcare wishes known if you are unable to speak for yourself or prefer someone else to speak for you. An AHCD can serve one or both of these functions:

- Power of Attorney for Health Care (to appoint an agent)
- Instructions for Health Care (to indicate your wishes)

### **Is the AHCD different from a Durable Power of Attorney for Healthcare?**

Legislation enacted in July 2000 replaced the Durable Power of Attorney for Health Care and the Natural Death Act Declaration with the Advance Health Care Directive. However, if you had already completed a form that was valid before July 1, 2000, it is still valid.

### **Why should I complete an AHCD?**

People of all ages may unexpectedly be in a position where they cannot speak for themselves, such as an accident or severe illness. In these situations, having an AHCD assures that your doctor knows your wishes about the kind of care you want and/or who the person is that you want to make decisions on your behalf.

### **Does this mean only one person can decide for me? What if I want others involved too?**

Often many family members are involved in decision making, and most of the time, that works well. Occasionally, people will disagree about the best course of action, so it is usually best to name one person as the agent (with a back up, if you want). You may also indicate if there is someone who you do NOT want to make your decisions for you.

### **I thought the doctors make all those life-and-death decisions?**

Doctors tell you about your medical condition, the different treatment options that are available to you and what may happen with each type of treatment. Though doctors provide guidance, you or your designated decision maker makes the decision to have a treatment, refuse a treatment or stop a treatment.

### **What if something happens to me and no form has been completed?**

If you are not able to speak for yourself, the doctor and healthcare team will turn to one or more family members or friends. The most appropriate decision maker is the one with a close, caring relationship with you, is aware of your values and beliefs and is willing and able to make the needed decisions.

### **My “values and beliefs?” But I haven't talked with anyone about these!**

It's a good idea to talk with family or close friends about the things that are important to you regarding quality of life and how you would want to spend your last days. Knowing the things that are most important to you will help your loved ones make the best decisions possible on your behalf.

## **What if I don't want to appoint an agent? Or don't have one to appoint?**

You do not have to appoint an agent. You can still complete the Instructions for Health Care, and this will provide your doctors with some basic information to guide your care.

## **What kinds of things can I write in my Instructions for Health Care?**

You can, if you wish, write your preferences about accepting or refusing life-sustaining treatment (like CPR, feeding tubes, breathing machines), receiving pain medication, making organ donations, indicating your main doctor for providing your care, or other things that express your wishes and values. If you have a chronic or serious illness, you may also want to talk with your doctor about specific treatments that you could face and ask him/her to help you document your decisions on a POLST form.

## **What is a POLST form?**

POLST stands for Physician Orders for Life-Sustaining Treatment and was adopted in California in 2009. It is a voluntary form, which must be signed by you (or your agent) and your physician, and indicates the types of life-sustaining treatment you do or do not want if you are seriously ill. POLST asks for information about your preferences for CPR, use of antibiotics, feeding tubes, etc. POLST doesn't replace your AHCD, but when you are seriously ill, it helps translate it into medical orders that must be followed in all healthcare settings.

## **If I appoint an agent, what can that person do?**

Your agent can make all decisions for you, just like you would if you could. Your agent can choose your doctor and where you will receive your care, speak with your healthcare team, review your medical record and authorize its release, accept or refuse medical treatments and make arrangements for you when you die. You should instruct your agent on these matters so he or she knows how to decide for you. The more you tell your agent the better he or she will be able to make those decisions on your behalf.

## **When does my agent make decisions for me?**

Usually the agent makes decisions only if you are unable to make them yourself – such as, if you've lost the ability to understand things or communicate clearly. However, if you want, your agent can speak on your behalf at any time, even when you are still capable of making your own decisions. You can also appoint a "temporary" agent – for example, if you suddenly become ill, you can tell your doctor if there is someone else you want to make decisions for you. This oral instruction is just as legal as a written one.

## **Are there other oral instructions that don't involve a written form?**

Yes. You can make an individual healthcare instruction orally to any person at any time, and it is considered valid. All healthcare providers must document your wishes in your medical record. But it is often easier to follow your instructions if they are written down.

## **Can I make up my own form or use one from another state?**

Yes. Any type of form is legal as long as it has at least three things:

1. Your signature and date,
2. The signature of two qualified witnesses with their witness statements (see below), and
3. If you reside in a skilled nursing facility, the signature of the patient advocate or ombudsman.

**Witness Statement:** Witnesses must sign a statement on the AHCD indicating that they a) know who you are or have been shown proof of your identity, b) are 18 years old or more, c) are not your healthcare provider or working for your provider, d) are not your healthcare agent, and

e) are not employed in the place where you live.

One of the two witnesses must sign a statement indicating that they are not related to you by blood, marriage or adoption and will not receive any property or money from you after your death.

### **Do I need an attorney to help with this?**

No. Completing an AHCD isn't difficult, and an attorney is not necessary. But the most important part of this is talking to your loved ones. Without that conversation, the best form in the world may not be helpful!

### **What should I do with the form after I complete it?**

Make copies for all those who are close to you. Take one to your doctor to discuss and ask that it be included in your medical record. Photocopied forms are just as valid as the original. Be sure to keep a copy for yourself in a visible, easy-to-find location – not locked in a drawer.

### **What if I change my mind?**

You can revoke your form or your oral instructions at any time. Also, it's a good idea to try to find old forms and replace them with new ones.

### **Can doctors or hospitals require a patient to have an AHCD?**

No, they cannot require you to complete one. But doctors and hospitals should have information available to you and your family about the form and your right to make healthcare decisions.

## **Resources**

### **Advance Health Care Directive Forms**

- Download forms in English, Spanish and Chinese from the CCCC website at **Coalitionccc.org**. Click on Advance Care Planning.
- Forms are often available at no charge from your local hospital – call the Social Services or Patient Education department. Or ask your doctor.
- The California Medical Association has an Advance Healthcare Directive Kit available in English or Spanish for \$5 that includes a form, wallet card and answers to commonly asked questions about advance directives. For single copies, visit **cmanet.org**.
- *Five Wishes* is a user-friendly advance directive that addresses the medical, personal, emotional and spiritual wishes of seriously-ill people. For more information, **visit agingwithdignity.org**.
- Caring Connections has state-specific forms that can be downloaded at **caringinfo.org**.

### **Booklets for Consumers**

- ***Finding Your Way: A Guide for End-of-Life Medical Decisions***. This 13-page, easy-to-read booklet helps those who are starting the advance care planning process. Also available in Spanish.
- ***Mrs. Lee's Story: Medical Decisions Near the End of Life***. This 16-page booklet written in Chinese and English relates the story of 91-year old Mrs. Ming Lee and includes basic information on advance care planning and advance directives, pain management and hospice care.

These booklets can be viewed at **CoalitionCCC.org**. Click on Advance Care Planning.