

## Advance Medical Directives

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### **What is an advance directive?**

An advance directive is a medical power of attorney and/or a living will.

### **What is a medical power of attorney?**

A medical power of attorney is a document executed by a competent person (the principal) giving another person (the agent) the authority to make health care decisions for the principal if the principal is unable to communicate such decisions.

### **Why have a medical power of attorney?**

If you become incapacitated, it is important that someone has the legal authority to communicate your wishes concerning medical treatment. This is true especially if you were to disagree with family members or they were to disagree among themselves about your treatment. By executing a medical power of attorney, you ensure that the directions you have given your agent will be carried out in the event of such disagreement.

### **Whom should I appoint as my agent?**

Since your agent is going to have the authority to make medical decisions for you in the event you are unable to make such decisions yourself, your agent should be a family member or friend that you trust will follow your wishes. Before executing a medical power of attorney, you should talk with the person whom you want to name as your agent about your wishes concerning medical decisions, especially life sustaining treatment.

### **What is a living will?**

A living will provides instructions on what type of care you would like if you are dying on in a persistent vegetative state. It may include specific instructions concerning the initiation or termination of life sustaining treatment or a more broad statement granting general authority for all medical decisions that are important to you.

# ADVANCE MEDICAL DIRECTIVES

## **When does an advance directive take effect?**

An advance directive takes effect only when you require medical treatment and you are unable to communicate your wishes concerning your treatment.

## **What if I regain my ability to communicate my own decisions?**

If you become able to express your wishes at any time, then you will be listened to and the advance directive will have no effect.

## **Who should have a copy of my advance directive?**

Your agent should have the original document. You should have a copy, and your physician should keep a copy with your medical records. You should tell your family that you have an advance directive. You should carry a card advising the public that you have an advance directive and stating whom to contact to obtain a copy of the advance directive.

## **How can I get an advance directive?**

Contact an Elder Law attorney who is skilled and experienced in this area.

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