



## **Frequently Asked Questions about Advance Health Care Directives**

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

An advance health care directive is a written expression of what a person does and doesn't want if he or she becomes ill and can't communicate or make decisions.

### **Where can I get an advance health care directive form?**

You don't have to use a special form as long as it meets legal requirements in the state where you live. For the form to be legal in California, it requires a signature, date and two qualified witnesses (plus special requirements for residents of skilled nursing facilities). If you choose to use a form, they are available at no cost from many sources, including physicians, hospitals, insurance plans, and the Internet. The California Hospice Foundation is also a good source. If you visit another state often or move, make sure your form is legal there.

### **When should I complete an advance health care directive form?**

There's no time like the present. You don't have to wait until you're facing a medical procedure or hospitalization; in fact, it is far better to talk about your preferences when you are well so that you and others are not under pressure.

### **I already have an advance directive, but I don't know how to talk to someone close to me about *their* wishes. What should I do?**

You may worry that you will be seen as morbid or intrusive if you raise end-of-life wishes to others. You can tell them you want to make sure they get what they want at a critical time, and to avoid misunderstanding within the family. Telling someone why it is meaningful to you allows the family member to approach the topic from a perspective that may be more comfortable. Offering your loved one help to express their needs and preferences can be a profoundly loving act.

### **Do I need an attorney to complete an advance health care directive?**

No. Any type of form is legal in California as long as it has your signature, date and the signature of two qualified witnesses. If you live in a skilled nursing facility in California, there are special witnessing requirements including the signature of the patient advocate or ombudsman. You might want to consult an attorney if you live for part of the year out of state or you have concerns.

### **Is it enough to complete an advance health care directive form?**

Besides completing a form, it is most important to talk to those closest to you about your wishes, as well as your physician. Forms also allow you to name someone who can advocate for your wishes if you become unable to communicate them yourself -- a “health care agent” (sometimes called a “proxy”). Many individuals also sign a “health care power of attorney” so that their agent can make health care decisions and see medical records if needed.

### **Talking about the possibility of death makes me and others uncomfortable. Why should I do this?**

Letting those closest to you know your wishes, or helping others to express theirs, is one of the most loving things a person can do. Family discussions and advance directives:

- Provide direction, clarity, and purpose for family and caregivers,
- Allow family and caregivers to offer support with greater peace of mind and a clearer sense of purpose because they understand better what is desired by someone, and
- Reduce one’s own fear by creating confidence that care will be tailored to one’s preferences

### **What kinds of things should I consider when I express my wishes?**

Consider these four main topics in preparing end-of-life directives: comfort and personal treatment, medical treatment, remembrance, and who will speak for an individual facing a life-threatening situation. A helpful checklist and discussion guide can be downloaded from the California Hospice Foundation website.

### **How do I choose a health care agent to speak for me? Do I have to appoint a health care agent?**

You don’t have to appoint a health care agent, but it can be very comforting to know that someone you trust can speak for you if needed. The person you choose should be someone who understands your wishes and in whom you have confidence. Consider who will be most able to carry out your wishes in an emotional situation and who will be able to deal with the health care system. It’s also a good idea to identify an alternate.

### **Do I have to have a written form to make my wishes legal?**

No. Oral instructions to your family or physician are just as legal as written ones. You should know that oral instructions only apply to the duration of your stay in a health care facility. Keep in mind, however, that many disputes arise because a health care agent, physician, and family have different interpretations of oral instructions. Physicians are required to note any instructions that you give them in your medical record. The clearer you are about your wishes, and the more you reinforce them in writing, the more likely that disagreements will be avoided.