



Advance Health Care Directives Frequently Asked Questions

1. What is an advance health care 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. The directive contains written instructions concerning future medical care and/or names your healthcare decision maker to act on your behalf when you are not able to act for yourself.

2. 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 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 and hospitals, insurance plans and from 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.

3. 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 or in the emotional turmoil caused by an accident or sudden aggressive illness. Advance planning can give everyone concerned peace of mind, an opportunity to discuss very difficult issues, and shared decision making

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

Any questions, conversations and discussion about end of life issues are, of necessity, difficult and often complicated. But to avoid thinking about these questions, to avoid thinking about dying does not mean that by some unknown magic all will disappear. If we don't find the time to make these decisions, it only means that someone else will make those decisions for us. The key question for this discussion is simple. **What do you want?** Don't let that question go unanswered. Talk about what you want, talk about what they want, talk to your spouse, your friends, your older kids (they have things they want also!). Take the time for each of you to complete an advance directive. Letting those closest to you know what you want and helping others to express what they want is one of the most loving acts a person can perform.

5. 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.

6. Is it enough to complete an advance health care directive form?

Completing the advanced health care directive paperwork will not guarantee that your wishes will be followed. Having what you want in writing is a great beginning. Your diligence in talking with your family and your physician about what you want is very important. In addition, the advance health care directive form allows you to name someone who can advocate for your wishes if you become unable to communicate them yourself. It is essential that this person be totally aware of your wishes and that they be prepared to speak up.

7. 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. If you lose capacity to make decisions, someone will have to make decisions on your behalf. Your agent must be an adult and should be a person who knows you well enough to be able to make healthcare decisions for you. You also must have many conversations with this person to assure they know what you want. Can they actually make the hard decisions you want them to make? Will they be able to deal with the health care system? Will they be able to make very difficult decisions? Some examples of those decisions include: selection and discharge of health care providers and institutions, approval or disapproval of tests, procedures, and medication; directions to withdraw or withhold all forms of healthcare, including hydration and nutrition.

8. 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.

9. May I change or revoke my advance health care directive form?

Yes. The advance healthcare directive can be changed or revoked at any time.

This is usually a process not a single event. You and your family, your legally recognized healthcare decision maker (also known as your proxy, agent or surrogate) and your health care provider should periodically talk about your wishes. For example, if your health status should change or if you are diagnosed with a particular disease, ask your physician what to expect, ask about treatment options. Discuss the benefits and the possible problems with treatment. Review your advance health care directive and change accordingly. To revoke your form, notify your appointed health care agent and your physician, verbally or in writing and every individual who has a copy of your advance health directive form. To change your health care agent, tell your physician verbally or in writing. Executing a new Advance Health Care Directive is the easiest way to officially change your wishes, as this is a dated witnessed form.

10. Where should I keep my completed advance health care directive form?

Make copies for your family, your agent, your physician, your hospital medical record, even your spiritual advisor. Keep a list of everyone who has a copy so you can update them if you update your advance directive. Keep your original in an easily accessible place.