

Advance Health Care Directive Fact Sheet for Consumers

What is an Advance Health Care Directive (AHCD)?

An AHCD is a way to make your health care 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 Health Care?

The AHCD was enacted by July 2000 legislation and replaced the DPAHC and the Natural Death Act Declaration. However, if you had already completed one of these forms that was valid before July 1, 2000, it is still valid now.

I've never completed an "advance health care directive" before. Why should I?

Persons 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 "advance health care directive" 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. But occasionally, people will disagree about the best course of action, so it is usually best to name just one person as the agent (with a back up, if you want). And you can also indicate if there is someone who you do NOT want to make your decisions for you.

But I thought the doctors make all those life-and-death decisions anyway?

Actually, 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, the decision to have a treatment, refuse a treatment or stop a treatment is yours.

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

If you are not able to speak for yourself, the doctor and health care 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!

That's why it is 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 and weeks. Knowing the things that are most important to you will help your loved ones make the best decisions possible on your behalf. If your agent doesn't know your wishes, then he or she will decide based on what is in your best interest.

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 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 also may want to talk with your doctor about specific treatments that you could face and ask him/her to help you document your decisions in a POLST form

A POLST form – I've never heard of that!

POLST stands for Physician Orders for Life-Sustaining Treatment and was adopted in California in 2009. This 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 become seriously ill. POLST asks for information about your preferences for CPR, use of antibiotics, feeding tubes, etc. POLST doesn't replace your AHCD, but helps translate it into medical orders that must be followed in all healthcare settings (home, nursing home, hospital).

If I appoint an agent in my AHCD, what can that person do?

Your agent will 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 health care team, review your medical record and authorize its release, accept or refuse all medical treatments and make arrangements for you when you die. You should instruct your agent on these matters so he/she knows how to decide for you. The more you tell them the better they 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 health care instruction orally to any person at any time and it is considered valid. All health care 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. That's why this law is so flexible. Any type of form is legal as long as it has at least 3 things: 1) your signature and date, 2) the signature of two qualified witnesses, and 3) if you reside in a skilled nursing facility, the signature of the patient advocate or ombudsman. These signatures, however, must include special wording.

Sounds difficult. Do I need an attorney to help with this?

No. Completing an advance health care directive isn't difficult and an attorney is not necessary. But actually 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!

OK, I'll talk to them! But 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. And be sure to keep a copy for yourself in a visible, easy-to-find location – not locked up 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 and retrieve old forms and replace them with new ones.

Do doctors or hospitals require a patient to have an Advance Health Care Directive form?

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

Check the California Coalition for Compassionate Care website at www.finalchoices.org for updates on advance health care directive materials and community education programs.

Advance Health Care Directive Forms:

- Download forms in English, Spanish and Chinese from the Coalition website at www.finalchoices.org.
- 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 Health Care Directive Kit* available in English or Spanish for \$5 that includes a form, wallet card and answers to commonly asked questions about advance directives. To order single copies, call 1-800-882-1262 or visit www.cmanet.org.
- *Five Wishes* is a user-friendly advance directive that addresses the medical, personal, emotional and spiritual wishes of seriously ill persons. To order single copies in English or Spanish at \$5 each, send a check or money order to Aging With Dignity, PO Box 1661, Tallahassee, FL 32302-1661. A companion 30-minute video is available for \$19.95. For more information call 1-888-5-WISHES.
- Caring Connections has state-specific forms that can be downloaded at www.caringinfo.org

Fact Sheets in Spanish and Chinese:

- Available on the Coalition website at www.finalchoices.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 or considering whether to initiate or withdraw life sustaining treatment when the end of life is near. 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 to introduce health issues that concern Chinese elders and their families. It includes basic information on advance care planning and advance directives, pain management and hospice care.

For a single copy of either of the above booklets, send \$1.50 check payable to "Center for Healthcare Decisions" to CHCD, 3400 Data Drive, Rancho Cordova, CA 95670 or visit www.chcd.org. Also available at volume rates.