

Advance Healthcare Directives What You Should Know About Advance Directives

By Liz Altman

Everyone, including young adults, can make personal decisions about their health care. You visit the doctor and ask questions regarding your treatment and the pros and cons of treatment. But what happens if you can't speak for yourself? At any time, something can happen. You could be hurt or become sick. Should this happen, next of kin will speak to your health care needs. However, every person has different ideas, and trying to guess your siblings or parents' wishes can be hard on your loved ones, especially at a trying time.

You must ensure that two estate planning documents are current regarding your healthcare. The first is your healthcare power of attorney. This document allows you to name a person to make medical decisions on your behalf or communicate your wishes if you cannot. The second document your estate plan should include is an advance healthcare directive, sometimes called a living will. (It's important to note that in some states, these two documents are combined into a single document.) An advanced healthcare directive spells out your wishes for the end of your life, for example, whether you want to be placed on life support if you are in a persistent vegetative state or have a terminal illness. Although it is one of the least discussed documents in an estate plan, it is as important as the others. When reviewing your advanced healthcare directives, you must determine your wishes and meet with your estate planning attorney to confirm that your advanced healthcare directives adequately reflect those wishes.

In addition to meeting with your estate planning attorney, you should have a meaningful discussion with the person you designate to make your healthcare decisions if you cannot. Although this conversation will likely be uncomfortable for those involved, as these topics are often complex to think about, discuss these issues and any others you may think of to guarantee you are cared for in the way you want.

Do you have beliefs about healthcare or end-of-life care?

Consider your spiritual, religious, or beliefs about your end-of-life care. For example, what are your

beliefs about blood transfusions, organ donation, or artificial life support? Do you want clergy or other spiritual or religious leaders at your bedside before you pass away? Consider documenting these beliefs and wishes, requiring that your healthcare decision-maker honor them when you cannot speak on your behalf.

What type of medical interventions do you want?

When faced with end-of-life care in which you cannot communicate your wishes, your chosen healthcare decision-maker should understand the treatments you want administered. Depending on the situation, various treatments or interventions could be available, such as experimental drugs or procedures, ventilators, feeding tubes, or artificial hydration through an IV. Document your specific wishes on these or other decisions.

Do you have different wishes based on your medical condition or prognosis?

Depending on your state, your advance directives might contain provisions on the care you will receive in either a terminal condition or persistent vegetative state. While advance directives do not memorialize "do not resuscitate" orders (those are done at a hospital and usually with the advice of a physician), you may direct your medical decision-maker (and those treating you) to remove medical interventions and cease medical treatment if you are in a terminal condition, as certified by a physician. Consider also if you have specific wishes regarding discontinuing interventions or treatment if you are deemed by physicians to be in an irreversible and persistent vegetative state.

Will your chosen healthcare decision-maker honor your wishes?

This is one of the most critical questions you must ask both yourself and your chosen healthcare decision-maker, and you should have confidence

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in the answer you receive. While you may be steadfast in your beliefs and decisions about your end-of-life care, someone must make these decisions on your behalf if you cannot communicate this information. Suppose the chosen person disagrees with you and absent properly executed documentation of your wishes. In that case, your chosen decision-maker may make whatever decisions the decision-maker believes are in your best interest. Even if your wishes are properly documented, will your chosen person honor them if that person disagrees with your decisions, or will your decision-maker create an additional roadblock by challenging those decisions in law court?

If you suspect your chosen person will not honor your wishes, you must immediately update your medical power of attorney. You cannot predict when you will be in the hospital facing the end of your life, so you must ensure that your documents are current and ready to be used immediately.

We are here to help.

Healthcare remains at the top of everyone's mind after the pandemic. Choosing the right healthcare decision-maker and communicating your wishes for your end-of-life care are two matters that should not be taken lightly. We can assist you in determining whom to name for this vital role and ensure that your wishes are communicated in the appropriate documents.

Call the team of attorneys at Altman & Associates at 301 468 3220 or contact altmanassociates.net.

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