



West Coast Joint & Spine

Information Regarding Advance Directives

You can decide in advance what medical treatment you want to receive if you become physically or mentally unable to communicate your wishes.

YOUR RIGHTS AS A PATIENT

As an adult in a hospital, skilled nursing facility or other health care setting, you have the right to:

- Keep your personal and medical records private
- Know what kind of medical treatment you will receive
- Tell people ahead of time what type of treatment you want, or do not want, in case you lose the ability to speak for yourself

What is an Advance Directive?

Generally, an Advance Directive is a written document that tells people how to make your medical decisions when you can't make them for yourself. An Advance Directive can also designate someone else to make medical decisions for you.

Two common types of **Advance Directives** are:

- **A Living Will**
- **A Durable Power of Attorney for Health Care**

A **Living Will** is a written document that generally states the kind of medical care you want, or do not want, in case you become unable to make your own decisions. It is called a Living Will because it takes affect while you are still living. While most states have their own Living Will forms you might be able to write a personal statement for treatment.

A **Durable Power of Attorney for Health Care** is a signed, dated and witnessed paper that authorizes someone else to make your medical decisions if you are unable to make them for yourself, this can also include instructions about any treatment you want to avoid.

Which is better: A Living Will or a Durable Power of Attorney for Health Care?

In some states, laws make it better to have one, the other, or both, the decision is up to you. A Living Will does not allow you to name someone to make your medical decisions, if that is what you want check with your attorney or you may want to consult the California State Attorney General.

Federal law requires hospitals, skilled nursing facilities, hospice, health agencies and managed care plans to give their patients who are covered by Medicare or Medicaid information about Advance Directives.

The law is intended to increase your control over medical treatment decisions, however, health care providers only have to provide information about the laws for the States in which you are located. Laws governing Advance Directives differ from State to State. The laws honoring Advance Directives from one state to another are not always clear, if you live in one state but often travel to other states you may want to consider having your Advance Directive meet the laws of the other states. A good source of information regarding Advance Directive laws can be found at the Office of the Attorney General or online.

Points to Consider:

- You do not have to have an Advance Directive if you do not want one.
- If you have an Advance Directive, tell your family and make sure they know where it is located, tell your lawyer, tell your Doctor, and make sure it is part of your medical records.
- If you have a Durable Power of Attorney, give a copy of the original to that person.
- Keep a small card in your purse or wallet that notifies Emergency Medical Service (EMS) providers of your wishes.

However, in an emergency situation EMS staff do not have much time to look for or evaluate different types of documentation, they may only acknowledge cards issued by the State's EMS Program and only when the cards are signed by your personal physician.

Canceling an Advance Directive

You may change or cancel your Advance Directive at any time. Any change of cancellation should be written, signed and dated. Give copies to your doctor and to anyone else to whom you may have given copies of the original. Some states will allow you to change an Advance Directive by oral statement. To check the laws that apply to your state, contact the State Attorney General's Office.

If you want to cancel an Advance Directive while you are in the hospital, notify your doctor, your family and others who may need to know. Even without a change in writing, telling your doctor directly about your wishes generally will carry more weight than a Living Will or Durable Power of Attorney as long as you can decide and communicate for yourself.

Additional information

Preparing an Advance Directive lets your physician and other health care providers know the kind of medical care you want, or do not want, if you become incapacitated. An Advance Directive also relieves your family and friends of the responsibility of making decisions regarding life-prolonging actions.

If you need help in preparing an Advance Directive, or if you would like more information about them, you may want to contact a lawyer, your State Attorney General's Office, the State Office of Aging, or an Insurance Counseling Program for Medicare Beneficiaries. Each state has its own laws and regulations regarding Advance Directives.

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