

Planning Ahead



Who will speak for you if you're ever too sick to make decisions for yourself? Through an Advance Health Care Directive, you can designate who you want to speak on your behalf and even what kinds of treatments you want.

Nowadays, you don't have to wait until you're sick to express your wishes about health care. In fact, it's better to choose before you get very sick or have to go into a hospital, nursing home or other health care facility.

You can do so by using an Advance Health Care Directive. They're called "advance" because you prepare one before health care decisions need to be made. And they're called "directives" because they state who will speak on your behalf and what should be done. (In California, the part of an Advance Directive you can use to appoint an agent to make health care decisions is called a Power of Attorney for Health Care. The part where you can express what you want done is called an Individual Health Care Instruction.) As long as you're 18 years old or older and are capable of making your own medical decisions, you can complete an Advance Directive and you do not need a lawyer.

Who can I name as my agent?

An "agent" is someone you choose to speak for you when medical decisions must be made. You can choose an adult relative or any other adult you trust.

When does my agent begin making my medical decisions?

Usually, a health care agent will make decisions only after you lose the ability to make them yourself. But, if you wish, you can state in the Power of Attorney for Health Care that you want the agent to begin making decisions immediately.

How does my agent know what I would want?

After you choose your agent, talk to that person about what you want. Sometimes, treatment decisions are hard to make, and it truly helps if your agent knows what you want. You can also write your wishes down in your Advance Directive.

What if I don't want to name an agent?

You can still write out your wishes in your Advance Directive, without naming an agent. You can say you want to have your life continued as long as possible. Or you can say you would not want treatment to continue your life. Also, you can express your wishes about the use of pain relief or any other type of medical treatment. Even if you have not filled out a written Individual Health Care Instruction, you can discuss your wishes with your doctor. Ask your doctor to list those wishes with your family members or friends. But it will probably be easier to follow your wishes if you write them down.

What if I change my mind?

You can change or cancel your Advance Directive at any time as long as you can communicate your wishes. To change the person you want to make your health care decisions, you must sign a statement or tell the doctor in charge of your care.

What happens when someone else makes decisions about my treatment?

The same rules apply to anyone who makes health care decisions on your behalf—also known as a health care agent. A health care agent is a surrogate whose name you give to your doctor or a person appointed by a court to make decisions for you. All are required to follow your Health Care Instructions or, if none, your general wishes about treatment, including stopping treatment.

If your treatment wishes are not known, the surrogate must try to determine what is in your best interest. The people providing your health care must follow the decisions of your agent or surrogate unless a requested treatment would be a bad medical practice or ineffective in helping you. If this causes disagreement that cannot be worked out, the provider must make a reasonable effort to find another health care provider to take over your treatment.

Will I still be treated if I don't make an Advance Directive?

Absolutely. You will still get medical treatment. We just want you to know that, if you become too sick to make decisions, someone else will have to make them for you. Remember that:

- ▶ **A Power of Attorney for Health Care** lets you name an agent to make decisions for you. Your agent can make most medical decisions - not just those about life sustaining treatment - when you can't speak for yourself. You can also let your agent make decisions earlier, if you wish.
- ▶ You can create an **Individual Health Care Instruction** by writing down your wishes about health care or by talking with your doctor and asking that your wishes be recorded in your medical file. If you know when you would or would not want certain types of treatment, an Individual Health Care Instruction provides a good way to make your wishes clear to your doctor and anyone else who may be involved in deciding about treatment on your behalf.
- ▶ These two types of Advance Health Care Directives may be used together or separately.

How can I get more information about making an Advance Directive?

Ask your doctor, nurse, social worker or other health care provider for more information. You can also ask a lawyer to write an Advance Directive for you, or you can complete an Advance Directive simply by completing a form.

Editors Note:

At Scripps, we abide by your wishes and we respect your right to consult with your health care providers and to participate in decisions regarding your medical care. Our policies reflect compliance with California and federal laws on Advance Directives. We do not condition the provision of care or otherwise discriminate against anyone based on whether or not they have an Advance Directive. **If you have completed an Advance Directive, it is your responsibility to provide the hospital with a copy.** For additional information about Advance Directives, see your primary physician, a patient care representative, a member of our social services staff or an administrative supervisor. Your nurse can help you to contact them.

Information in this publication on health care decision making and Advance Directives was provided through the California Consortium on Patient Self-Determination to implement Public Law 101508. To reflect changes in state law, information was revised in 2000 by the California Department of Health Services, with input from members of the consortium and other interested parties. Scripps is required by federal law to provide this information.