

# Your Options: Advance Directives

## Introduction

Advance Directives are legal documents that describe, in advance, the type of medical treatment you would or would not want under serious medical conditions. They may also designate someone to make healthcare decisions on your behalf if you are unable to do so.

This booklet provides general information to help you understand your options. Because laws regarding Advance Directives vary by state, we recommend that you consult with your prescriber, a social worker, an attorney, or trusted family and friends to determine what best meets your needs.

If you need this information in another language or format (such as large print or Braille), or if you require interpreter services, please let us know. We are committed to making this information accessible to all patients.

This information is provided in accordance with the Patient Self-Determination Act (PSDA), a federal law that requires healthcare providers to inform patients of their rights under state law to make decisions about their medical care, including the right to create Advance Directives.

This franchised location is committed to providing information in accordance with applicable federal and state laws.

## What Types of Advance Directives Are There?

There are several types of Advance Directives, including:

- Living Will
- Medical Power of Attorney
- Health Care Surrogate Designation

A **Living Will** outlines the type of medical care you want, or do not want, if you become terminally ill or permanently unconscious and are unable to make decisions. It may include preferences about life-sustaining treatments such as breathing machines, resuscitation (CPR), tube feedings, and organ or tissue donation. It is called a "Living" Will because it takes effect while you are alive.

A **Medical Power of Attorney or Health Care Surrogate Designation** is a legal document that appoints someone (often a spouse, family member, or close friend) to make medical decisions for you if you are unable to do so. This applies not only to terminal illnesses but to any situation where you cannot communicate or make decisions.

### **Which Advance Directive Is Right for Me?**

The best choice depends on your personal healthcare preferences and the laws of your state. In many states, you may complete both a Living Will and a Medical Power of Attorney, either as separate documents or combined into one.

Advance Directives must comply with the laws of your state. Please consult your state's health department or attorney general's office for approved forms and legal requirements.

### **How Do I Create an Advance Directive?**

Start by asking your prescriber's office, home care agency, or local Area Agency on Aging for information specific to your state. Your state's health department may also provide guidance.

Once you understand your options, discuss them with your chosen healthcare agent and any family or friends who may be involved in your care.

Be sure to follow your state's requirements for signing, witnessing, notarization (if required), and filing. Provide copies to your healthcare agent, family members, and healthcare providers. Keep a copy in a secure but accessible location. If you have an attorney, they should also retain a copy.

Review your Advance Directives annually or after any major life change to ensure they still reflect your wishes.

### **How Will My Healthcare Team Know I Have One?**

Healthcare providers are required to ask if you have an Advance Directive. However, it is helpful to proactively inform your prescribers and nurses and let them know where your documents are stored.

Many individuals carry a wallet card that lists the type of Advance Directive they have, where it is located, and the contact information for their healthcare agent.

### **What If I Change My Mind?**

You may revise or revoke your Advance Directive at any time. Be sure to notify your healthcare agent, family, and providers of any changes and provide updated copies.

### **What If I Don't Want an Advance Directive?**

You are not required by law to have an Advance Directive. This franchised location is required to provide you with information about your rights, but the decision to complete an Advance Directive is yours.

#### **For More Information...**

This booklet is intended to provide general information and is not a substitute for legal or medical advice. For more detailed guidance, consult with a qualified attorney, social worker, or your healthcare provider.

Additional resources include:

- Aging with Dignity at <http://www.agingwithdignity.org>
- Long-Term Care Planning, ACL.gov at <https://longtermcare.acl.gov/>
- Advance Directive forms and information by state may be downloaded from [CaringInfo.org](http://CaringInfo.org) or [AARP.org](http://AARP.org).
- For state-specific requirements, refer to [State-by-State Advance Directive Resources](#).

#### **Compliance Statement**

This franchised location maintains written policies and procedures regarding Advance Directives in accordance with the Patient Self-Determination Act (PSDA), Centers for Medicare & Medicaid Services (CMS) regulations (42 CFR §489.102), and applicable state laws. We do not condition the provision of care or discriminate based on whether an individual has executed an Advance Directive.

We are committed to ensuring that all patient-specific preferences are respected and that our staff are educated on the importance of honoring these decisions.

If any part of your Advance Directive cannot be honored due to a provider's conscientious objection, we will inform you (or your agent) and, if necessary, assist with a transfer to another provider who can honor your wishes.