

What An Advance Health Care Directive (AHCD) Is and What It Does

An AHCD is a written document that specifies what type of medical care you want in the future, or who you want to make decisions for you, should you lose the ability to make decisions for yourself. Generally, a person must be at least 18 years old and of sound mind to make a health care directive. The document must be signed and notarized according to the laws in your state. Laws governing directives vary by state, so local laws should be consulted for specific requirements in your area. Healthcare directives are the best possible way to assure that decisions regarding your future medical care will reflect your own wishes, in the event that you are unable to voice those wishes. A healthcare directive is also known as advance directive.

The Need for an AHCD. An AHCD becomes important in cases where the patient is in a condition where s/he cannot communicate the health care choices. Having a directive provides you some assurance that your personal wishes concerning medical and mental treatment will be honored at a time when you are not able to express them. Another advantage is that it can be helpful when there are conflicting opinions among relatives as to what should be done. Further, it may also prevent the need for a guardianship imposed through the probate court. However, even though advantageous, it is not necessary for every person to have an AHCD. The decision to have a healthcare directive is purely voluntary.

Choosing an Agent. This is one of the most important decisions to be made while making a health care directive. The agent can be given powers to make those personal care decisions you normally make for yourself. Therefore, the agent appointed should be someone close to and trusted by the individual. It should be someone who cares deeply about your welfare. People often choose their spouse or other close family member to be their agent. You can also limit your agent's authority if you choose to do so. Generally, an agent will not be legally or financially liable for decisions made as long as they are in accordance with the individual's wishes and beliefs.

Different Types of Healthcare Directives. Directives vary based on state law and individual preferences within the states' legal requirements. The three most common types of healthcare directives are the durable power of attorney for health care, living will and do-not-resuscitate order/declaration.

Durable power of attorney for health care, called the health care power of attorney is a power of attorney where the principal appoints an agent to make health care decisions in the event the principal becomes incapacitated. This document places a friend or family member in charge of making decisions for the individual and usually provides the agent with guidelines for making those decisions. The agent appointed is can make decisions in accordance with what the individual would have wanted. However, if the individual has specified his/her wishes clearly on the proxy form, they must be followed despite any possible objections from the agent. Even though health care proxies are permitted by all US states, the specifics vary. For example, some jurisdictions place limitations on the persons who can act as agents. Consult state and local laws for specific requirements.

A living will is a document that allows a person to explain in writing which medical treatment s/he does or does not want during a terminal illness. Its purpose is to allow you to make decisions about life support and direct others to implement your desires in that regard. A living will takes effect only when the patient is incapacitated and can no longer express his or her wishes. A living will can be very specific or very general. Although the term living will gives the impression that it is a will, in reality, it is more similar to a power of attorney than a will. California combines a living will and health care power of attorney and is called an Advance Health Care Directive. California requires two witnesses to witness your signature.

Do not resuscitate order (DNR) is an advance directive that is to be followed when a person's heart or breathing stops and they are unable to communicate their wishes to refuse treatment that could allow them to die. DNR orders come from physicians, not from patients. If a patient wants cardiopulmonary resuscitation (CPR) to be withheld, he/she must discuss the decision with a physician and get the order written. Laws regarding do not resuscitate orders vary by state. Some states have standardized forms for DNR orders; if the order is not written on that specific form, it cannot be honored. Whereas some other states are less regimented, honoring any type of DNR order.