

Advance Directives

An advance directive is a written document or series of forms. You sign it to make it binding. The document indicates your choices about medical treatment. In the document, you can also name someone to make decisions about your medical treatment if you are unable to make these decisions or choices yourself. By completing the appropriate advance directives, you can predetermine end-of-life decisions about your future medical care in a legally sound way.

An advance directive is purely optional. All health care facilities such as hospitals that accept federal funding are required by law to ask if you have one and offer you the appropriate information and documents to sign one, if you so choose. Of course, the fact that you are reading this puts you one step ahead of the game.

You should consider an advance directive if any of the following are true:

- You want to be sure your voice is heard when you can no longer speak.
- You want to be sure that your wishes are respected and followed in the event that you are unable to make medical decisions for yourself.
- You want to be sure that, if you fall victim to a cardiac arrest after you have suffered with a long-term, end-stage medical condition, cardiopulmonary resuscitation (CPR) or other heroic measures will not be performed.
- No doctor or health care provider can force you to complete an advance directive.

Two types of advance directives are generally completed: a living will and a medical power of attorney (also referred to as designation of a health care surrogate or health care proxy).

Living will: This written statement tells health care providers what type of life-prolonging treatments or procedures to perform if you have a terminal condition or are in a persistent vegetative state. Living wills should not be confused with a regular will. A living will only deals with and addresses issues regarding your medical care while you are still living.

Medical power of attorney (or designation of a health care surrogate): This legal document allows you to select any person to make medical decisions for you if you should become temporarily or even permanently unable to make those decisions for yourself. This person is also referred to as your attorney-in-fact, but it is not necessary for them to be a lawyer.

- **Do not resuscitate (DNR):** Your doctor discusses this form or document with you, and it tells health care providers and emergency personnel that if your heart stops beating (cardiac arrest) or if you stop breathing (respiratory arrest) that they are not to attempt to revive you by any means. **A DNR is not the same as a living will. This center will not honor the DNR aspect of your advance directive.** In an emergency, we will act to employ all life saving measures while you are under our care and arrangements will be made for your transfer to a hospital that will follow your Power of Attorney.
- A lawyer may be helpful with the completion of these matters, but one is not required.

- You can designate information regarding organ donation in most advance directive documents.
- You can withdraw or revoke your advance directive at any time you choose.
- The laws regarding advance directives vary from state to state. If you plan to spend an extended period of time in another state, complete the necessary papers for that state regarding your medical wishes. Legal experts agree, however, that most states will honor an out-of-state advance directive if it meets legal requirements in the state that it was executed.
- Give copies of your advance directive to as many people as you can.

INTRODUCTION TO YOUR FLORIDA ADVANCE DIRECTIVE

A packet is available that contains a legal document that protects your right to refuse medical treatment you do not want, or to request treatment you do want, in the event you lose the ability to make decisions yourself. You may complete Part One, Part Two, or both, depending on your advance planning needs. You must complete Part Three.

Part One. The Florida Designation of Health Care Surrogate lets you name a competent adult to make decisions about your medical care, including decisions about life-prolonging procedures, if you can no longer speak for yourself. The designation of health care surrogate is especially useful because it appoints someone to speak for you any time you are unable to make your own medical decisions, not only at the end of life.

Your health care surrogate's powers go into effect when your doctor determines that you are physically or mentally unable to communicate a willful and knowing health care decision.

Part Two. The Florida Living Will lets you state your wishes about health care in the event that you are in a persistent vegetative state, have an end-stage condition or develop a terminal condition. Your living will goes into effect when your physician determines that you have one of these conditions and can no longer make your own health care decisions.

Your living will also allow you to express your organ donation wishes.

Part Three contains the signature and witness provisions so that your document will be effective.

This form does not expressly address mental illness. If you would like to make advance care plans regarding mental illness, you should talk to your physician and an attorney about a durable power of attorney tailored to your needs. However, unless your Designation of Health Care Surrogate expressly states otherwise, your health care surrogate presumptively may make health care decisions regarding mental health treatment.

Note: These documents will be legally binding only if the person completing them is a competent adult (at least 18 years old).

You can access these forms at <http://www.caringinfo.org/files/public/ad/Florida.pdf> or you can get a copy of the packet from the facility. You can also call 1-800-658-8898 for information on advanced directives.