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*Because every life needs a good plan.*

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## **ADVANCE HEALTH CARE DIRECTIVE**

### **What is an Advance Health Care Directive?**

An **Advance Health Care Directive** combines a **Durable Power of Attorney for Health Care** and a **Living Will**.

- A **Durable Power of Attorney for Health Care** is a document in which you appoint another person (your “agent”) to make health care decisions on your behalf whenever you are unable to make health care decisions for yourself.
- A **Living Will** or **Directive to Physicians** is a document you use to provide instructions with respect to any health care decision, including your preferences with respect to end-of-life care. You can indicate what treatments you do, or do not, want provided to you.

### **Why do I need an Advance Health Care Directive?**

The only way to make your wishes known at a time in the future when you will be unable to communicate with your health care providers is to put those wishes in writing now. Telling family or friends is not always sufficient for several possible reasons:

- Each person you tell may interpret what you tell them differently.
- Your wishes may change over time. Something you told someone previously may no longer reflect your wishes.
- A well-meaning family member or friend may think they know better and disregard what you told them about your desires.

If you don't make your wishes clear in writing and you don't appoint a single person to make health care decisions on your behalf, then any disagreement among your family and friends in regard to

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what you would have wanted or what is in your best interest may have to be resolved by a court. This would only make an already difficult situation worse. [NOTE: There is no provision in the law that gives a spouse priority over other family members or friends to make health care decisions for an incapacitated spouse. You can give your spouse this authority by executing an Advance Health Care Directive.]

### **Do I have to appoint an agent AND provide health care instructions?**

No.

You can execute an Advance Health Care Directive to appoint an agent without providing health care instructions or to provide health care instructions without appointing an agent.

However, we recommend that you always appoint an agent. Even if you provide specific health care instructions, it is not possible to cover every possible contingency.

### **Who can I appoint as my agent?**

You can appoint almost any adult as your agent. You cannot appoint an operator or employee of a community care facility or a residential care facility where you are receiving care, or your supervising health care provider or employee of the health care institution where you are receiving care, unless such a person is related to you or is a coworker.

### **Can I appoint more than one agent to make decisions together?**

You can, but we do not recommend appointing more than one agent who must agree to make a health care decision for you. If the multiple agents do not agree, then the purpose for appointing an agent has been defeated.

### **When does my agent's authority to make health care decisions on my behalf become effective?**

Our form Advance Health Care Directive makes your agent's authority effective immediately. This removes the need for a physician to have to make the determination that you lack capacity before your agent can make decisions on your behalf.

However, even though your agent's authority is immediately effective, if you are able to and do object to a health care decision made by your agent, then the matter shall be governed by the law that would apply if you had never appointed the agent. This means that your agent cannot impose a health care decision on you with which you do not agree.

### **Are there any limitations on the authority of my agent?**

Yes.

- If you provide specific health care instructions, then your agent must make decisions that follow those instructions.

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- Your agent may not consent to committing you or placing you in a mental health treatment facility, or to convulsive treatment, psychosurgery, sterilization or abortion.

Otherwise, your agent may make health care decisions for you to the same extent you could make health care decisions for yourself if you had the capacity to do so.

### **What should I do with my Advance Health Care Directive after I sign it?**

Give a copy of the signed and completed Advance Health Care Directive to your physician, to any other health care providers you may have, to any health care institution at which you are receiving care, to any health care agents you have named, and to your health insurance company. You should talk to the person you have named as agent to make sure that he or she understands your wishes and is willing to take on this responsibility. You should also inform other interested family members and friends that you have executed an Advance Health Care Directive.

As a service to our clients, we create a PDF file that is stored on our computer network by scanning the signed Advance Health Care Directive. This allows anyone on our staff to be able to instantly print or e-mail a copy of an Advance Health Care Directive in the case of an emergency.

### **Is an Advance Health Care Directive Revocable?**

Yes.

The appointment of an agent in an Advance Health Care Directive can be revoked by notifying your health care provider in writing. Any other part of an Advance Health Care Directive can be revoked in any manner. The most effective way to revoke an Advance Health Care Directive would be to execute a new Advance Health Care Directive.

### **When will my Advance Health Care Directive expire?**

Our form Advance Health Care Directive does not include an expiration date and will never expire.

If you have an existing Durable Power of Attorney for Health Care executed before 1992, then it has expired. A Durable Power of Attorney for Health Care or Living Will executed after 1992 may include an expiration date, if you choose to include one.

### **Will my Advance Health Care Directive be valid in other states?**

An Advance Health Care Directive that meets the requirements of California law may or may not be honored in other states, but most states will recognize an Advance Health Care Directive that is executed legally in another state. If you spend a lot of time in another state, you may want to consult a doctor or lawyer in that state to find out about the laws there.

### **Is an Advance Health Care Directive the same as a “Do Not Resuscitate” or “DNR” Form?**

No.

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You can include a request to forgo resuscitative measures in your Advance Health Care Directive (by writing it in as an "Other Wish" on page 3 of our form), but our form does not include such a request as a default.

If this is your desire, then you may want to complete a "Prehospital Do Not Resuscitate (DNR)" form and obtain a "Do Not Resuscitate– EMS" medallion approved by California's Emergency Medical Services Authority in addition to executing an Advance Health Care Directive.

If you appoint an agent in your Advance Health Care Directive, then your agent will be able sign a request to forgo resuscitative measures on your behalf.

***Where can I find your form Advance Health Care Directive if I want to fill out a new form or advise my family or friends to fill out the form?***

You can find our form Advance Health Care Directive available for download from our website at **[www.METAlawinc.com](http://www.METAlawinc.com)**. Click on "Resources" in the menu at the top and then click on "Advance Health Care Directive" under the list of Forms and Visual Aids.

This page on our website includes instructions for completing the form as well as a link to these frequently asked questions. We make this form available free of charge to anyone, so feel free to recommend this form to your family and friends.