

Advance Planning: The Advantages Of Living Wills

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Nowadays, there are many treatments which offer patients with serious or terminal illnesses the chance to live longer. However, in some cases, these treatments may offer little or no chance of full recovery. They may have side effects that could be considered worse than the illness or leave the person in a condition he or she would find unbearable. You may feel strongly that you do not want to go through this treatment to make you live longer. However, in the future you may not be physically or mentally able to make the decision or talk to your doctors about what you want, for example, if you were in a deep coma or suffered serious dementia. That's why you should consider an advance directive.

What is an Advance Directive?

An advance directive (often known as a Living Will or 'Advance Refusal') allows you to state which treatments you would or would not want if you became seriously ill in the future and could not say what you wanted to happen. Some people confuse the issue of refusing treatment under an advance directive with voluntary euthanasia. The two issues, although related, are separate. If you make an advance directive you are asking doctors not to give you certain medical treatments. Voluntary euthanasia is when you ask the doctor to deliberately end your life and is illegal in the UK.

What does a Living Will cover?

Through advance statements, patients have a legal right to decline specific treatment, including life-prolonging treatment. Patients cannot use advance statements to insist on the provision of certain treatments but they may authorise or refuse treatments.

Who is responsible for preparing an Advance Directive?

Drafting an advance statement is the patient's responsibility. If necessary seek advice from your general practitioner or health professional. It is the patient's responsibility to ensure that the existence of an advance statement is known to those who may be asked to comply with its provisions.

What if I can't express my wishes myself?

No person has a legal right to accept or decline treatment on behalf of another adult. However, the BMA recognises that the nomination of a health care proxy by the patient may be another helpful development in communicating the patient's views when the individual is no longer capable of expressing these.

Do doctors have to do what I say?

Doctors with a conscientious objection to curtailing treatment are not obliged to comply with an advance statement but must be ready to step aside. The British Medical Association (BMA) strongly supports the principle of an advance statement.

How do I get a Living Will?

Talk to your financial planner about drawing up your Living Will at the same time as preparing your Will. It is strongly recommended that patients review their advance statements at regular intervals, and destroy rather than amend the statement.

Find out more about living wills and estate planning from Stephen Hall Associates

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