

Living Wills - 10 Most Common Questions

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Today, more than ever, you need a Living Will. Discover the 10 most common questions you need answered so you too can have peace of mind.

What is an advanced health care directive? Advanced health care directives are written instructions that communicate your wishes regarding care and treatment should you no longer be able to make your own health care decisions.

What are the components? An Advanced Health Care Directive includes: A Living Will which outlines your medical and treatment choices Health Care Power of Attorney – the person you appoint to make medical and treatment decisions when you are no longer able to do so yourself.

How are they used? If you are no longer able to make choices regarding your health care, these documents will communicate to your physicians what treatments you want or don't want such as artificial administration of food and fluids, or even the use of CPR or a breathing machine.

When do they become effective? These forms are only effective when you cannot communicate your desires yourself. It may be used in situations where you are terminally ill and will die soon. In that case, life-sustaining procedures that only prolong the dying process will be withheld as you have indicated. Another time they will come into play is if you suffer from an event or illness that leaves you permanently in a coma. Because situations are varied, it becomes important to be as clear as you can, and make sure your POA understands your desires.

What happens if I don't have one? Every state has a hierarchy that is followed that describes who is your next of kin and who will make decisions for you. For instance, if you are a minor child, it will be your parents. If you are an adult with a legal spouse, that person becomes your decision maker. It becomes complicated when family members/significant others disagree about what your desires are. This is why these forms are so important.

Can I change my mind? You can change your mind about what you have written and who you choose as your decision maker at any time by destroying the old forms and making a new one. Make sure the new forms are given out to those that need them such as your decision maker, family/significant others, health care provider, hospital, etc.

If I have a living will, does that mean I won't get treatment? This is a common misconception, and the answer is no. These forms do not mean NO CARE. You should always get the care and comfort that you require.

Where do I get these forms? Often times, your health care provider or hospital will have them. However, it's best if you do them before you ever see these providers. You can obtain them from your attorney, or there are several online sources where you can get state specific documents for free.

Do I need to see a lawyer? No. You can fill these forms out yourself following the form directions. That said, if your situation is sticky, it would not hurt to get professional legal advice. In most states the forms do not have to be notarized. Make sure you get the required witnesses to sign these forms. They cannot be relatives or employees of your health care provider, hospital, clinic, etc.

Where can I find more information? Online, www.LawHelp.org provides free information for most states. Most state departments of health or your state legal association will be able to point you in the proper direction.

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