

Advantages of Living Wills

1. Difficult decisions about future care are made while you are competent, alert and not sick.
2. Your directions allow you to die under circumstances you have chosen. It makes your wishes clear in the event of a dispute as to what you might have wanted.
3. A living will removes the burden of decisions having to be made by grieving loved ones when you are dying.
4. A living will can reduce medical expenses.
5. A living will states your desires regarding organ donation at your death.

Disadvantages of Living Wills

1. A living will is effective in a very narrow set of circumstances.
2. The decisions you made may be hard for your family to accept and create disharmony.
3. A parent, adult child, spouse, or agent under a power of attorney can challenge the validity of the living will in court.

Health Care Power of Attorney

A special kind of durable power of attorney called a health care power of attorney (HCPA) deals with health care planning. In this document you appoint someone else to make health care decisions for you if you become incapable of making those decisions. These decisions could include: refusing intravenous feeding or turning off the respirator if you are brain-dead. The HCPA is much more flexible and broad than a living will. It can be used to make decisions about things like nursing homes, surgeries, and artificial feeding.

Since it is impossible to predict every possible contingency in an advance medical directive, having both a living will and a HCPA enables you to handle other kinds of disability when

it's not certain that you are terminally ill, or your doctor or state law fail to give your wishes due weight. Despite recent changes in the law, old habits die hard, and many doctors and nurses are still reluctant to turn off life support--even if that's what the patient wants. That's why you need an advocate appointed in your HCPA to press your intentions.

Obviously, decisions so important should be discussed in advance with your agent, who should be a spouse, child, or close friend. You should try to talk about various contingencies that might arise and what he or she should do in each case.

Make sure you put a copy of the HCPA in your medical record, give a copy to your doctor, and carry a copy with you to any hospital visit.

You can revise or revoke the HCPA at any time, including during a terminal illness, as long as you are competent and follow the procedures set out in your state's law. When you change or revoke it, notify the people you gave the copies to in writing.



31st FW Legal Office

Unit 6140 Box 115 APO AE 09604-0015
Aviano Air Base, Italy (Bldg 1403, 2nd floor)
Commercial Telephone 0434-30-7843 or DSN 632-7843

Walk-In for Legal Assistance

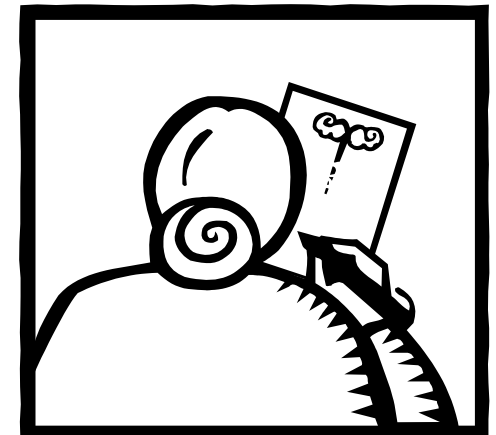
Monday & Wednesday: 1530 – 1630
Friday: 0900 – 1000

Powers of Attorney/Notary Services/Claims (Walk-In)

Monday through Friday 0730 – 1630
<https://aflegalassistance.law.af.mil>

MEDICAL PLANNING

Living Wills and Health Care Powers of Attorney



31st FW Legal Office

Advance Directives

Advance directives are documents that allow you to express your preferences concerning medical treatment at the end of your life. By expressing such preferences in a written legal document, you are ensuring that your preferences are made known. Physicians prefer these documents because they provide a written expression from you as to your medical care and designate for the physician the person he or she should consult concerning unanswered medical questions. Rather than the physician having to obtain a consensus answer from your family as to your treatment, the physician knows your preferences and knows who you want to provide decisions when you cannot do so.

These documents provide your expressed wishes, rather than making the family guess your desires. Making your wishes known in advance prevents family members from making such choices at what is likely one of the most stressful times in their lives. Further, providing such information and designating a health care proxy means that the physician knows whose direction is to be followed in the event your family disagrees as to what medical treatment you would want.

The two most common advance directives are living wills and health care powers of attorney.

Living Will

A living will is your written expression of how you want to be treated in certain medical conditions. A living will applies in situations where the decision to use such treatments may prolong your life for a limited period of time and not obtaining such treatment would result in your death. It does not mean that medical professionals would deny you pain medications and other treatments that would relieve pain or otherwise make you more comfortable.

Living wills do not determine your medical treatment in situations that do not affect your continued life, such as routine medical treatment and non life-threatening medical conditions.

A living will lawfully prepared by a legal assistance attorney has full effect in all 50 states, the District of Columbia, and Puerto Rico.

Every adult in the United States has the legal right to consent to or refuse medical treatment, under the Patient Self-Determination Act of 1990. All medical facilities receiving Medicare or Medicaid benefits must tell their patients about this law. Making your wishes known about the treatment you would want when you're incapacitated can be very helpful to doctors and to your family. You may prepare one when you check into a hospital - but you are not required to have them to receive care, treatment or admission.

Purposes of a living will

A living will has three purposes: It gives your doctor instructions about life sustaining procedures, artificial nourishment, and organ donation. If your doctor cannot, or will not, carry out your wishes, he or she must transfer you to a doctor who will do as you direct.

First, the living will instructs your doctor to withhold or withdraw life-sustaining procedures in the event that at some future time you are:

1. terminally ill, or
2. have been unconscious, comatose or otherwise incompetent for a specific period of time of no less than 48 hours, or
3. unable to make or communicate responsible decisions about your care.

"*Life sustaining procedures*" usually means any medical procedure or intervention that would only to prolong the dying process.

"*Terminally ill*" usually means an incurable or irreversible condition with no possibility of recovery, as agreed upon by two doctors in writing.

Second, a living will can also direct your doctor to withhold or withdraw artificial nourishment if it is the only procedure being provided. If a doctor determines this will cause you pain, he/she will give you enough nourishment to alleviate pain. Through your living will, you can direct that artificial nourishment:

1. Be discontinued immediately,
2. Be given to you for the time period you specify in the document, or
3. Not ever be withheld.

You must clearly indicate only one of these choices in your living will.

Third, a living will can also contain a written statement indicating your decision about organ and tissue donation, although many states permit that on your driver's license.

Requirements of a living will

Any competent person 18 years of age or older may execute a living will. If you are physically unable to sign the document, you can direct someone else to sign it for you. Such person cannot be your doctor, his employee or an employee of a health care facility where you are staying, any person to whom you owe money, or any person who believes he is entitled to your estate on your death. It is best to sign your own living will. It should usually be witnessed by two people. None of the people listed above can witness it.

A living will can be destroyed any time you change your mind. You can do this by telling someone, revoking it in writing, or by destroying the document. Let your doctor, family, and anyone who has a copy of it know that you've destroyed it.