

THE ABC's of HEALTH CARE DIRECTIVES, part 1

Advance Health Care Directives, often referred to as Living Wills, Advance Medical Directives or Powers of Attorney for Health Care are important estate planning documents for individuals from 18 to 80 and beyond.

What is an Advance Health Care Directive?

In California, the Advance Health Care Directive is typically a “**3-in-1**” document.

In the **first** part, you identify person(s) to serve as your agent(s) to make medical decisions for you if your medical condition prevents you from making those decisions. For example, I arrive at the hospital unconscious, although my condition is not life ending. The physician determines that there are three alternate operative procedures that will correct my problem. The physician will typically consult with my health care agent(s) on which one of the three procedures to employ.

In the **second** part, you make the “Advance Directive” to the physician who may be treating you in the future. In essence, you initial the box which best speaks of your desire for life sustaining treatment under a particular set of circumstances. Generally, if I arrive at the hospital unconscious, am examined by the physician and a determination is made that my condition is terminal, that I am not likely to recover from my condition and that, in the determination of the physicians, my life will end in a short period of time, then my Directive tells the medical staff how I want things to go. The typical form allows for a “keep me comfortable” option and a “keep me going” option. Thus, when you complete your Directive, you are advising future health care providers how *you* want things to go. You are not leaving this crucial decision to the health care agent, your spouse or your children.

The **third** part of a typical Advance Health Care Directive is the election for organ and tissue donation. California and the other states are “opt in” states. That is to say, the potential donor, his or her health care agent and/or his or her family must opt to have organs or tissue donated. Many European countries have “opt-out” policies. In those countries, you are presumed to be an organ donor unless you or your representatives specifically decline to donate.

If you have questions regarding Advance Health Care Directives please feel free to contact our office. You can obtain a blank Advance Health Care Directive by going to our website at www.mcclawyers.net, click on “Resources”, click on “Tools” then click on Estate Planning.

In our next edition of McDowall News we will explore the uses of Physician Orders for Life Sustaining Treatment (POLST) and the pre-hospital Do Not Resuscitate Order (DNR).