

Advance Health Care Directives – Who? What? Why?

Who needs an Advance Health Care Directive?

Everyone over the age of 18, with full capacity needs an Advance Health Care Directive.

Many people form the impression that Advance Health Care Directives are for the elderly, however, unexpected situations and tragedies can happen to anyone at any age. It is important for all adults to have a completed Advance Health Care Directive.

Who should you Consider to be your Health Care Agent

When considering who you would want as your health care agent if ever necessary, there are many factors to consider. One thing to consider is the geographical location of the agent. In an ideal situation your health care agent would live close to you, or be able to easily and quickly get to where you are if there is ever an emergency situation where they are needed. You also want your healthcare agent to be someone who you can trust to make the right decisions, further your wishes, and/or advocate for you to ensure that you receive the care and treatment that you need and would want. Such an individual would not shy away when you need them the most.

What is the purpose of an Advance Health Care Directive?

Advance Health Care Directives are a legal document in which an individual nominates agents and makes select decisions regarding end of life care. The individual completing the Advance Health Care Directive specifies what actions should be taken for their health if they are no longer able to make decisions for themselves because of illness or incapacity.

The Advance Health Care Directive gives the health care agents the authority to make decisions for, advocate for and act on behalf of the individual when they are unable to, or can no longer do so. Trust is instilled in the health care agents to make the right decisions and advance the individual's wishes.

Advance Health Care Directive's differ from a Physician Orders for Life-Sustaining Treatment (POLST) form, in that the POLST form once effective, is what dictates the doctors' decisions; where as if the individual has an Advance Health Care Directive, the healthcare agent is the one who makes the decisions that the medical professional will then follow.

It is also important to remember that every state has their own rules and regulations regarding Advance Health Care Directives, thus it is a wise decision to follow the advice of, or have an Advance Health Care Directive prepared by a qualified in state attorney.

Why do you need an Advance Health Care Directive?

Advance Health Care Directives are important for many reasons. One of the main reasons is that if an individual becomes incapacitated or unable to make decisions for themselves, and the individual has a completed Advance Health Care Directive, their health care agent can step in and act on their behalf, making all medical decisions.

Even if you are currently healthy, it is best practice to have an Advance Health Care Directive, as well as the necessary conversations with your agents and family members in the event something does happen and you are unable to speak for yourself and make your own decisions.

In cases where an individual does not have an Advance Health Care Directive and they become incapacitated or unable to speak for themselves, the state would assign someone to make the medical decisions on their behalf. This could be immediate family members, but if there are none, then the state would choose someone who would represent the individual's best interests. Being able to make decisions regarding who would be in charge of your care in such circumstances is the best case scenario, versus leaving the decision to the courts, a much more expensive and less personal experience.

Should you have any questions or would like to learn more, please feel free to consult with one of our attorneys at McDowall Cotter by giving us a call at 650-572-7933. The accomplished attorneys of McDowall Cotter work in civil litigation, business services, and estate planning and are located in San Mateo. Our experienced and knowledgeable staff will be able to help you with any of your needs or concerns. Additionally, you can find McDowall Cotter on Facebook, Instagram, Twitter and LinkedIn @McDowallCotter.

-Written by Karishma Patel, Esq.