

## **When does an Advance Directive become effective?**

A Health Care Directive becomes effective when your doctor diagnoses a terminal condition or when two doctors diagnose a permanent unconscious state. A Durable Power of Attorney for Health Care becomes effective when you are unable to make decisions.

## **Where should I keep my Advance Directive?**

You and your family should agree on a place to keep your original Advance Directive. You should give copies to your doctor and attorney. If you are being admitted to a hospital, take a copy with you.

## **Can I change my Advance Directive?**

Yes, you may change or cancel either a Health Care Directive or Durable Power of Attorney for Health Care. You may do this by destroying the document, putting your changes in writing or telling someone about the change. If you change your directive, you should give new copies to your family, physician, attorney, or others who may be involved. You should have the old copies destroyed. Your doctor must know about the change or it will not be effective.

## **Will hospitals and doctors honor my Advance Directive?**

Yes. Hospitals and doctors support patients' rights to make decisions about their medical care. They honor Advance Directives that meet state law requirements and medical ethics standards. Hospitals must tell you their policies on Advance Directives and any conflict they know of between your Advance Directives and their policies. If you wish to continue treatment with a doctor or in a facility where there are conflicts between your wishes and their policies, a written plan of action must be agreed upon and included in your medical record.

## **For assistance and/or referral in making an Advance Directive, you may contact:**

- AARP (American Association of Retired Persons) 1-800-424-3410
- Your hospital social service department
- Washington Bar Association Lawyer Referral Service 1-800-759-4357

# ***Your Rights and End of Life Care***

You have the right to direct the type of medical care you want even in the event you cannot speak for yourself. Advance Directives are documents that allow you to write down how you would like your health care handled in the future. This brochure answers some commonly asked questions about how to make an Advance Directive in Washington state.

Produced by:

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## **It is Your Choice**

You have the right to make decisions about your medical care. If you plan ahead, you can direct your care even when you become incapacitated or terminally ill. When you are healthy is a good time to plan for the future.

Under a Washington state law, the Natural Death Act, you have the right to make medical care decisions through Advance Directives. An "Advance Directive" is a document that gives instructions about your future medical care. It is your choice whether to complete an advance directive.

## **Why Do I need an Advance Directive?**

An Advance Directive gives instructions to health care workers when you are too ill to communicate or are unconscious. As long as you are able to express your own decisions, your Advance Directives will not be used and you can accept or refuse any medical care. But, if you become seriously ill or unconscious, you will want to be prepared so that those caring for you provide the type of care you really want.

## **Do hospitals require that I have an Advance Directive?**

No, but it is a good idea to have one in case you become permanently unconscious due to an accident or become terminally ill. If you do have an Advance Directive, the hospital must write this information in your chart. Federal law does not allow a hospital to discriminate against a patient based on whether or not the patient has an Advance Directive.

## **What is a *Health Care Directive*?**

A Health Care Directive, also known as a living will, is one type of Advance Directive. It is a written document that lets you tell your doctor what you do or do not want if you are diagnosed with a terminal condition or are permanently unconscious. For example, you might choose not to prolong the process of dying from an incurable and irreversible condition.

## **What does terminal condition mean?**

This means a patient's condition is not curable, which is often caused by injury, disease or illness. In this situation, life-sustaining medical procedures serve only to prolong the process of dying.

## **What does permanently unconscious mean?**

This means a patient has an incurable and irreversible condition (such as an irreversible coma or a persistent vegetative state) from which the individual most likely will not recover. A physician determines whether a person is permanently unconscious.

## **What is a *Durable Power of Attorney for Health Care*?**

This is one type of Advance Directive. It is a legal document completed by you that identifies the person you want to make health care decisions for you if you are unable to make them yourself. You can also specify what type of health care decisions you want made for you and what those decisions should be.

The Durable Power of Attorney for Health Care can either go into effect after you sign it, or once you are unable to make your own decisions. You decide when it can be used and in what situation. If you only want it to go into effect when you can no longer speak for yourself, make sure the document states this.

## **How do I prepare an Advance Directive?**

Standard forms are available for both a Health Care Directive and Durable Power of Attorney for Health Care. You can get forms from a hospital or an advocacy organization. A sample Health Care Directive is also included in the Natural Death Act (RCW 70.122). An attorney may also help you prepare an Advance Directive.

You must sign and date your *Health Care Directive* in the presence of two witnesses, who must also sign it. The witnesses cannot be related to you in blood or marriage; in line to inherit your money or property if you die; people that you owe money to; your doctor or your doctor's employees; or employees of the health care facility where you are a patient or resident.

A *Durable Power of Attorney for Health Care* must be signed, dated and notarized. The person you choose to make health care decisions for you should be someone you trust. The person you pick cannot be (unless he or she is also your spouse, adult child or brother or sister): your doctor; an employee of your doctor; or an administrator, owner or employee of the health care facility in which you live or are a patient.