

WHO WOULD MAKE HEALTH CARE DECISIONS FOR YOU?

As part of routine healthcare, we encourage everyone over the age of eighteen to complete an advance directive. You may give a trusted person the legal right to speak on your behalf if you are sedated or too sick to speak for yourself. Talking to this agent and your family before a crisis protects your right to receive care that is based on your values and beliefs.

CONSIDER THREE THINGS

1. Who would make medical decisions for you if you were unable to speak for yourself? To avoid conflict, legally appoint those people in an advance directive.
2. What would be your goals for medical care if you were permanently unconscious? Would you want comfort care or aggressive care? How long would you consider it reasonable to continue aggressive care if there were no signs of improvement? Talking about this with your agent and family is very important.
3. Do you have beliefs - religious, cultural or personal beliefs-- that would influence your choices in such a situation?

YOU HAVE THE RIGHT TO MAKE DECISIONS ABOUT YOUR HEALTH CARE

- Federal and state laws protect your right to make decisions about your care.
- If you already have a Virginia advance directive that is signed, dated, and witnessed, it is still valid. Changes to the state law in 2009 do not affect existing advance directives.
- An *advance directive* tells what you want if you are ever unable to make decisions or communicate your wishes.
- You may appoint an *agent for health care decisions* to talk to your doctors and speak for you about your care any time you cannot. You may also give instructions about end-of-life care. You are not required to do either of these things.
- Your advance directive takes effect only if you become unable to make decisions or communicate your wishes.
- As long as you can make decisions and communicate, your doctor must talk with you about what you want.

AGENT FOR HEALTH CARE DECISIONS

- This part of the advance directive appoints an agent with specific powers to speak for you and make medical decisions for you.
- New to Virginia law in 2009: If you wish, you may give your agent the power to authorize mental health care or to override your protest of treatments when you can't make decisions. **You are not required to give your agent all of the powers in the form. You may cross through powers you don't want that person to have.**
- It is wise to pick a substitute in case the first person is not available in an emergency.
- This part of the advance directive is valuable because it applies anytime you are unable to make medical decisions for yourself. Its use is not limited to end-of-life situations. Your agent can speak for you if you are temporarily unable to speak for yourself.
- Your agent will make decisions based on *your* goals and values as you have explained them to that person.
- Your agent can ask that you receive *palliative care* to help with distressing physical, emotional, or spiritual symptoms while you continue to receive care intended to cure you.

INSTRUCTIONS ABOUT END-OF-LIFE CARE

- States your wishes about medical treatment if your doctor believes you might die within 6 months. This is called being in *terminal condition*.

- Requests intensive treatments for comfort and limits aggressive treatments when your goal is to avoid prolonging the process of dying. This is sometimes called a *living will*.
- Is not as useful as an *agent for health care decisions* because it applies only at the end of life and because people often disagree about whether a person is in *terminal condition*.

WHEN CHOOSING YOUR AGENT, PICK A PERSON WHO IS:

- willing to speak on your behalf
- knows your preferences & values (talk to this person and to your family about these things)
- would honor your wishes even if they would prefer a different choice
- is able to function in difficult situations, talk with your doctors, and be a strong advocate

MAKING YOUR ADVANCE DIRECTIVE

- You may use the form provided by Martha Jefferson Hospital, cross things out or add to the form, or put your wishes in a letter or some different form.
- To be legally valid, your advance directive must be signed and dated in the presence of two adult witnesses. While anyone may serve as witness, we suggest it not be a person who is being appointed as your agent. Hospital employees may serve as witnesses.
- A notary public is not required under Virginia law.

BE SURE YOUR ADVANCE DIRECTIVE IS AVAILABLE

- Give a copy to each agent, your family members, close friends, and doctors.
- Give a copy to the hospital to keep on file for you. You may give it to a Martha Jefferson staff member or take it to Health Information Services, (1st floor, Rucker building). You may also file one at UVA at the admitting office in the main hospital lobby.
- Fill out the wallet card and carry it with you. Attach it to your driver's license or insurance card.

REVIEW YOUR ADVANCE DIRECTIVE YEARLY. COMPLETE A NEW ONE IF:

- your agent's phone number or other contact information changes
- you decide to appoint a different agent
- your wishes about your medical care change

NOTICE: This summary is for educational purposes only and should not be considered legal advice.

View the official Virginia Code at <http://leg1.state.va.us/lis.htm>

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