

Advance Directives

Questions about medical care at the end of life are very important today because of the ability of medical technology to prolong life, and because of the highly publicized court cases involving comatose or dying patients. The very best way for you to be in control of your medical treatment in such a situation is to record your preferences in advance.

What are advance directives?

Advance Directives are documents written in advance of serious illness which state your choice about medical treatment or name someone to make choices about medical treatment for you, if you become unable to make decisions. Through Advance Directives such as Living Wills and Durable Power of Attorney for Health Care, you can make legally valid decisions about future medical treatment.

What does the Georgia law say about this subject?

Generally, you have the right to refuse any medical or surgical treatment you do not wish to receive. Georgia law allows you to sign advances directives so that your wishes will be followed, even if you become unable to communicate them to your health care provider.

Are Advance Directives just for “Senior Citizens”?

No. A severe illness or serious accident can happen to a person at any age. If you have strong feelings about what choices you would want made in such a situation, regardless of your age, you are encouraged to consider signing an Advance Directive.

What is a Living Will?

A living will is a document in which you can instruct your physician to withhold or withdraw life-sustaining procedure if you are terminally ill, in a coma, or persistent vegetative state with no reasonable likelihood of recovering. A living will must specifically state your desire to forego life-sustaining care under these circumstances. A Living Will must be signed, dated, and witnessed. A lawyer is not needed to draw up a Living Will, although you may decide to consultation with a lawyer is desirable.

What is Durable Power of Attorney for Healthcare?

A Durable Power of Attorney is another kind of Advance Directive, a signed, dated, and witnessed legal document in which you can name another person, an agent, to make medical decisions for you, if you become unable to make them. In a Healthcare Power of Attorney, you can describe treatment you want and do not want. Also, this form of Advance Directive can relate to any medical condition, such as Alzheimer's Disease, not just terminal illness. Georgia law describes a Healthcare Power of Attorney for, but other Forms are also acceptable. A Durable Power of Attorney for Healthcare can be written without the advice of a lawyer, although you may decide consultation with your attorney would be helpful.

Can an advance directive be changed?

These documents can be changed or revoked at any time. If you do make changes to an Advance Directive, be sure to destroy all of the outdated copies, and provide copies of the new version to your family, physician, and your attorney. If you wish to revoke an Advance Directive while receiving treatment at a Hospice program, just notify your primary care physician or nurse.

Will an advance directive be honored in an emergency?

Usually it is impossible to determine the chances of survival in an emergency situation or to determine the outlook for recovery. After the initial emergency has passed, and depending on your condition, your Advance Directive may come in to play if you are not able to express your wishes.

Is it difficult to stop treatment once it has been started?

No, not if you have an Advance Directive and your instructions are clear. If your condition begins suddenly, it may take days or even weeks before the outlook for recovery is known. During this time, it is appropriate to use any treatments, which may be beneficial. When the outlook for recovery is known, if your instructions indicate you would not want continued treatment under these circumstances, treatment can be stopped.

Will my Georgia advance directive be honored if I am admitted for treatment in a different state?

The law on honoring Advance Directives differs from state to state, so it is unclear whether a Georgia Advance Directive would be valid in a different state. Because an Advance Directive is an expression of your wishes about medical care, it will influence that care no matter where you are admitted. However, if you spend a great deal of time in more than one state, you might want to consider signing an Advance Directive that meets all of the requirements of each state.

Can I be refused admission to a Hospice program if I do not have an advance directive?

No. Federal law prohibits a Hospice program from refusing to admit a patient because he or she does not have an Advance Directive. However, as of December 1991, Hospice programs must ask adult patients if they have Advance Directives, document their answers, and provide information on state laws and Hospice programs' policies about Advance Directives.

Does Abbey Hospice have a policy about advance directives?

Yes. It is the policy of Abbey Hospice to honor a patient's Advance Directive, if it meets the requirements of state law. We also recognize and respect the right of the patient to accept or reject offered medical or surgical treatment to the extent permitted by law.

Is there a time limit on how long my advance directive is valid?

No, but you are encouraged to update any Advance Directive periodically, since this indicates that you have given the matter a great deal of thought.

May a provider refuse to implement my advance directive?

Yes. A provider who is unwilling to comply with an Advance Directive (i.e. conscientious objection) will arrange for transfer of your care to another provider.

After I complete an advance directive, what do I do with it?

Copies of an Advance Directive should be given to someone who would know if you became seriously ill. You should also give a copy to your physician, and you may want to consider giving a copy to your Spiritual Caregiver, family members, or close friends. Of course, if you appoint an agent to make healthcare decisions for you, you should give a copy of your Advance Directive to your agent. Finally, you should consider carrying a card in your wallet stating that you have signed an Advance Directive and where it can be located.

In order for a Hospice program to honor your Advance Directive, you must provide a copy of the document to someone at the Hospice program; a physician, nurse, social worker, or chaplain, so a copy of it can be included in your medical record.

Where can I get forms for Advance Directives?

You can obtain Living Will and Durable Power of Attorney for Healthcare forms by writing:

Medical Associates of Georgia

938 Peachtree Street NE

Atlanta, GA 30309

State Bar Association

50 Hurt Plaza, Ste. 800

Atlanta, GA 30303-2934

Georgia Hospital Association

1675 Terrell Mill Road

Marietta, GA 30067