



Advanced Health Care Directives

Under California law, you have the right to state your wishes regarding the types of health care you want (and the types you do not want). An “advance health care directive” lets your family, friends, and physician(s) know your health care preferences, including the types of special treatment you want or do not want at the end of life, your desire for diagnostic testing, surgical procedures, cardiopulmonary resuscitation and organ donation.

A properly drafted advanced health care directive is important to making sure that your health care wishes are implemented. By considering your options early, you can ensure the quality of life that is important to you and avoid having your family “guess” your wishes or having to make critical medical care decisions for you under stress or in emotional turmoil. Remember the Terri Shiavo case in Florida.

While there are forms for advanced health care directives, it is important that you seek appropriate legal counsel to confirm that your wishes are set forth in a manner that is enforceable under California law.

You have many options about what can be put in your advanced health care directive. For example, you may include:

- A person (agent) to carry out your wishes: select who should handle your health care choices and discuss the matter with them. You are permitted to name a spouse, relative or other agent. You should also have at least one back-up to that person.
- Your goals, values and preferences about health care.
- The types of medical treatment you want or do not want.
- Who you would like as your conservator if there is a court action.
- Donation of organs, tissues and eyes.

You can be as specific or general as you wish. You can select which issues or treatments to deal with in your advanced health care directive. Nevertheless, there are some limits. For example:

- Your agent must be at least 18 years old.
- You cannot request health care treatment that is outside of reasonable medical practice.
- You cannot seek assisted suicide.

Are Previously Executed Health Care Documents Still Valid?

All valid health care directives executed prior to July 1, 2000 may remain in effect. Earlier forms included Natural Death Act Declaration, Directive to Physicians, Durable Power of Attorney for Health Care, and Living Wills. However, you should review any existing documents to make sure they reflect your current thoughts!

What Should I Do With My Advanced Health Care Directive?

Unlike some other documents, appropriate people must be aware of its existence and location when it needs to be used. Therefore, after you sign the document, you should give copies to your agent (both your primary and contingent) and your medical professionals including your doctor. There are also services that will provide a copy to hospitals as the need arises.