

Living Wills and Health Care Powers of Attorney

What are these documents?

Living wills and health care powers of attorney (HCPOA) are documents, sometimes referred to as advanced directives, which mean **you** make provisions for medical decisions concerning life sustaining procedures for yourself now, while you are still able to make such decisions. This prevents your loved ones from having to make such decisions at what may be a difficult time.

What is a living will?

A living will is a document that is to be used only if you are in a terminal medical condition and/or a persistent vegetative state. You would make a decision whether to use feeding tubes or life sustaining procedures. The living will is a statement directly from you to your doctor and other health care providers.

What is a health care power of attorney?

Unlike the living will, a HCPOA is not limited to specific medical conditions. It is intended to be used in any circumstance where you are unable to indicate your own wishes concerning medical treatment. By this document, you appoint an authorized agent who is able to speak for you. This document can also do what the living will does in terminating the use of life support machines, but in a greater variety of situations. For example, a stroke or Alzheimer's disease might be fully disabling, yet not be considered a terminal condition or persistent vegetative state.

One very important issue to be made in creating a HCPOA is who should be your agent. You should base your decision on a person whom you trust and can discuss your concerns with openly. This is a huge responsibility! It can be very difficult for a close friend or family member to make decisions for you if he or she is not aware of your wishes.

How do I make a living will or health care power of attorney?

Both the HCPOA and the living will are similar to a regular will in the way they are made. In making these documents, you must be competent and at least 18 years old. It must be signed in front of two witnesses, who *cannot* be related to you by adoption, blood, marriage, or entitled to receive any money or property from your estate when you die.

Both documents become effective if you become incapable of making your own medical decisions. One or two physicians, (the stat forms require two -- for HCPOA, this can be one physician and one psychologist), declare you to be **“incapacitated” for the HCPOA** or **in a terminal medical condition and/or in a persistent vegetative state, for the Living Will**. But remember, these documents must be signed properly in order to be effective.

Many people feel very uncomfortable with the idea of being kept alive by the use of machines or other medical procedures. "Life-sustaining procedures" are defined in the state statutes, and your attorney can better advise you as to the details, and how you might be affected.

Once you have a living will created for yourself, you should inform your doctor/health care