

ENGAGE WITH GRACE

DISCUSSION GUIDE • QUESTION 5

Have you completed any of the following: written a living will, appointed a healthcare power of attorney, or completed an advance directive?

Recent history – including Supreme Court cases – has underscored the importance of having legal documents in place that outline key end-of-life wishes. The American Bar Association clearly explains the differences between a living will, healthcare power of attorney and an advance directive¹:

- A **living will** (or “medical directive” or “declaration” or “directive to physicians”) is simply a written instruction spelling out any treatments you want or don’t want if you are unable to speak for yourself and terminally ill or permanently unconscious. A living will says in effect, “Whoever is deciding, please follow these instructions!” On its own, a living will is very limited—it usually applies only to end-of-life decisions, and standard instructions tend to be general. Unless you have a good crystal ball, it is impossible to anticipate every future medical scenario.
- A **health care power of attorney** (or health care “proxy,” or “medical power of attorney”) is a document that appoints someone of your choosing to be your authorized “agent” (or “attorney-in-fact” or “proxy”). You can give your agent as much or as little authority as you wish to make health care decisions. The decisions are not limited to just end-of-life decisions. Appointing an agent provides someone with authority to weigh all the medical facts and circumstances and interpret your wishes accordingly. A health care power of attorney is broader and more flexible than the living will.
- A comprehensive **Health Care Advance Directive** combines the living will and the health care power of attorney into one document. In addition, you may include any other directions, including organ donation or where and how you prefer to be cared for. Because it is more comprehensive and more flexible than the other tools, it is the preferred legal tool.

Despite the legal jargon, the key is to consider questions like:

- How much control do I want over my end of life experience?
- Is there someone whose judgment I trust completely who can make decisions on my behalf?
- Am I certain of my preferences and believe they won’t change regardless of the circumstance?
- Have I thought through my end of life wishes thoroughly enough to complete a legally binding document? Does that matter to me?
- If I do choose to complete a legal document, will my wishes for medical care stay the same regardless of my personal situation (i.e. Will I want the same type of medical treatment if I have young children versus much older ones?)?
- Do I want to document my wishes legally or do I feel comfortable verbally communicating my wishes with someone I trust?

Also consider the legal implications of your decision. In many places, if you have talked with a doctor or loved one about your preferences, that conversation is enough to guide your medical care. But this may vary from state to state, and so it may be in your best interest to create a legal document stating your preferences.

For more information on how to create a living will or advance directive, please refer to: <http://www.caring-info.org/AdvanceDirectives>.

¹http://www.abanet.org/publiced/practical/directive_livingwill.html