



Medical Care Decisions and Advanced Directives

What You Should Know

What is an “advance directive?”

An advance directive is a set of directions you give about the health care you want if you ever lose the ability to make the decisions for yourself. North Carolina has two ways for you to make a formal advance directive. One way is a “living will”; the other is a “health care power of attorney.”

What is a living will?

In North Carolina, a living will is a document that tells others that you want to die a natural death if you are terminally and incurably sick or in a persistent vegetative state from which you will not recover. In a living will, you can direct your doctor not to use heroic treatments that would delay your dying, for example by using a breathing machine (respirator or ventilator), or to stop giving you food and water through a tube (“artificial nutrition or hydration”).

What is a health care power of attorney?

In North Carolina, you can name a person to make medical care decisions for you if you later become unable to decide for yourself. This person is called your “health care agent.” In the legal document you name who you want your agent to be. You can say what medical treatments you would want and what you would not want. Your agent then knows what choices you would make.

How would I make an advance directive?

You must follow several rules when you make a formal living will or a health care power of attorney. These 4 rules are to protect you and ensure that your wishes are clear to the doctor or other provider who may be asked to carry them out. Both a living will and health care power of attorney must be written and signed by you while you are able to understand your condition and treatment choices to make those choices known. Both types of advance directives must be witnessed by two qualified people and be notarized.

Are there forms I can use to make an advance directive?

Yes. There is a living will form and a health care power of attorney form that you can use. These forms meet all of the rules for a formal advance directive. Using the special form is the best way you make sure that your wishes are carried out.

When does the advance directive go into effect?

A living will goes into effect when you are going to die soon and cannot be cured, or when you are in a persistent vegetative state. The powers granted by your health care power of attorney go into effect when your doctor states in writing that you are not able to make known your health care choices. When you make a health care power of attorney, you can name the doctor you would want to make this decision.

Do I have to have an advance directive and what happens if I don't?

Making a living will or a health care power of attorney is your choice. If you become unable to make your own decisions, and you have no living will or a person named to make medical decisions for you (health care agent), your doctor or health care provider will consult with someone close to you about your care.

Who decides about my medical care or treatment?

If you are 18 or older and mentally competent, you have the right to make decisions about your medical treatment. You should talk to your doctor or other health care provider about any treatment or procedure so that you understand what will be done and why. You have the right to say yes or no to treatments recommended by

your doctor. If you want to control decisions about your health care, even if you become unable to make or express them yourself, you will need an “advance directive.”

What happens if I change my mind?

You can cancel your living will either by destroying all the copies of it or by informing your doctor that you want to cancel it. You can change your health care power of attorney by signing another one or by telling your doctor and each health care agent you named of the change.

Whom should I talk to about an advance directive?

You should talk to those you love about an advance directive and your feelings about the health care you would like to receive. Your doctor or health care provider can answer medical questions. A lawyer can answer questions about the law. Some people also discuss the decision with clergy or other trusted advisors.

What if I have an advance directive from another state?

An advance directive from another state may not meet all of North Carolina’s rules. To be sure about this, you may want to make an advance directive in North Carolina, too. Or you could have your lawyer review the advance directive from the other state.

Where should I keep my advance directive?

Keep a copy in a safe where your family members can get at it. Give copies to your family, your doctor or other health care provider, your health care agent and any close friends who might be asked about your care should you become unable to make decisions.

Where do I get more information?

You can get more information about advance directives by contacting the following:

1. Your personal attorney
2. The hospital’s social work department
3. Your community senior services

Patient Self Determination Act Summary of Policy Statement

In accordance with North Carolina law, this organization is providing information concerning the Patient Self Determination Act of 1990 to all patients upon request.

We support the competent adult’s right to make decisions regarding the acceptance or refusal of medical or surgical treatment in accordance with North Carolina law.

Information about the patient Self Determination Act will be provided during the admission process upon request. In order to implement the patient’s advance directive, this organization has made the following provisions:

When a copy of the patient’s advance directive is provided, the admitting nurse will place it in the patient’s chart. The patient will be informed that the Advance Directive will not be in effect during this procedure since there is very limited risk that a persistent vegetative state will occur in this facility.

Although it is a federal law that all patients are provided information about the Patient Self Determination Act, this facility does not provide care depending on whether or not a patient has implemented an advance directive.