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Facts About Advanced Directives

WHAT ARE ADVANCED DIRECTIVES?

“Advance Directive” is a general term that refers to your oral and written instructions about your future medical care, in the event you become unable to speak for yourself. Each state regulates the use of advanced directives differently. There are two types of Directives: living will and power of attorney.

WHAT IS A LIVING WILL?

A living will is a type of advanced directive in which you put in writing your wishes about medical treatment should you be unable to communicate at the end of life. Your state law may define when the living will goes into effect, and may limit the treatments to which the living will applies. Your right to accept or refuse treatment is protected by constitutional and common law.

WHAT IS A MEDICAL POWER OF ATTORNEY?

A medical power of attorney is a document that lets you appoint someone you trust to make decisions about your medical care if you cannot make those decisions yourself. This type of advanced directive may also be called a “health care proxy” or “durable power of attorney for health care.” The person appointed through a medical power of attorney is authorized to speak for you any time you are unable to make your own medical decisions, not only at the end of life.

WHY DO I NEED AN ADVANCED DIRECTIVE?

Advanced directives give you a voice in decisions about your medical care when you are unconscious or too ill to communicate. As long as you are able to express your own decisions, your advanced directive will not be used and you can accept or refuse any medical treatment. But if you should become seriously ill, you may lose the ability to participate in decisions about your own personal treatment.

WHAT LAWS GOVERN THE USE OF ADVANCED DIRECTIVES?

Both federal and state laws govern the use of advanced directives; The federal law, the Patient Self-Determination Act, requires healthcare facilities that receive Medicaid and Medicare funds are to inform patients of their rights to execute advanced directives. All 50 states and the District of Columbia have laws recognizing the use of advanced directives.