

PACIFIC HILLS SURGERY CENTER, LLC

INTRODUCTION TO ADVANCE HEALTH CARE DIRECTIVES

California law gives you the ability to insure that your health care wishes are known and considered if you become unable to make these decisions yourself.

What is an Advance Health Care Directive?

An Advanced Health Care Directive is the best way to make sure that your health care wishes are known and considered if for any reason you are unable to speak for yourself. By completing a form called an Advanced Health Care Directive. California law allows you to do either or both things:

First, you may appoint another person to be your health care “agent”. This person (who may also be known as your “attorney-in-fact”) will have legal authority to make decisions about your medical care if you become unable to make these decisions for yourself.

Second, you may write down your health care wishes in the Advance Health Care Directives form—for example, a desire not to receive treatment that only prolongs the dying process if you are terminally ill. Your doctor and your agent must follow your lawful instructions.

Even though you do not have to appoint a health care agent, the California Medical Association (CMA) recommends that you do so. Then there will be someone you trust to actively participate in the decisions surrounding your health care.

Is an Advance Health Care Directive different from a “living will”?

The Advance Health Care Directive is now the legally recognized format for a living will in California. It replaces the Natural Death Act Declaration. The Advance Health Care Directive allows you to do more than traditional living will, which only states your desire not to receive life-sustaining treatment if you are terminally ill or permanently unconscious. An Advance Health Care Directive allows you to state your wishes about refusing or accepting life-sustaining treatment in any situation.

Unlike a living will, an Advance Health Care Directive also can be used to state your desires about your health care in any situation in which you are unable to make your own decisions, not just when you are in a coma or are terminally ill. In addition, an Advance Health Care Directive allows you to appoint someone you trust to speak for you when you are incapacitated.

You do not need a separate living will if you have already stated your wishes about life-sustaining treatment in an Advance Health Care Directive. The Advance Health Care Directive form includes an optional living will statement that you can select if it reflects your desires.

Is an Advance Health Care Directive different from a “Durable Power of Attorney for Health Care”?

The Advance Health Care Directive has replaced the Durable Power of Attorney for Health Care (or “DPAHC”) as the legally recognized document for appointing a health care agent in California. The Advance Health Care Directive allows you to do more than a DPAHC. An Advance Health Care Directive permits you not only appoint an agent, but not give instructions about your own health care. You can now do either or both of these things.

What if I already have a Durable Power of Attorney for Health Care or a Natural Death Act Declaration? Is it still valid? Do I have to complete a new Advance Health Care Directive?

All valid Durable Powers of Attorney for Health Care (DPAHC) and Natural Death Act Declarations remain valid. Thus, unless your existing DPAHC has expired you do not have to complete a new Advance Health Care Directive. A DPAHC executed before 1992 has expired and should be replaced.

Because the new Advance Health Care Directive gives you more flexibility to state your health care desires, you may wish to complete the new form even if you previously completed a DPAHC or Natural Death Act Declaration. At a minimum, you should review your existing DPAHC or Natural Death Act Declaration to make sure it has not expired and it still accurately reflects your wishes.

Who can complete an Advance Health Care Directive?

Any California resident who is at least eighteen (18) years old (or is an emancipated minor), of sound mind, and acting of his or her own free will can complete a valid Advance Health Care Directive.

Do I need a lawyer to complete an Advance Health Care Directive?

No. You do not need a lawyer to assist you in completing an Advance Health Care Directive form. The only exception applies to individuals who have been involuntarily committed to a mental health facility who wish to appoint their conservator as their agent.

Above information excerpted from California Medical Association’s California Physician’s Legal Handbook 2001

Can I get more information about the Advance Health Care Directive?

Yes. You may call Partnership for Caring, Inc at 1-800-658-8898 or go to their website at www.partnershipforcaring.org for additional information.

Where can I obtain the California Advance Directive forms?

You may ask your medical provider or our admitting personnel for the forms. You may also go to our website at www.pacifichillssurgerycenter.com to download the forms.