**Advance Health Care Directive FAQs**

You have the right to make decisions about your medical treatment

This document explains your rights to make health care decisions and how you can plan what should be done when you cannot speak for yourself. The Patient Self Determination Act (PDSA) requires us to provide you with this helpful information that aims to increase your control over your medical treatment.

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| What is advance health care directive? | An advance health care directive is a written legal document that detail treatment preferences for any health care decisions when a Member is unable to speak for his or herself. Examples of advance directives include (but are not limited to): An Advance Health Care Directive form, a living will, a Durable Power of Attorney for Health Care form, a health care proxy, a Physician Orders of Life Sustaining Treatment (POLST), Five Wishes, and surrogate decision maker. This document must comply with State and Federal law. |
| Who can fill out advance health care directive? | You can fill out your own advance directive if you are 18 years of age or older and of sound mind. You do not need a lawyer to fill it out. |
| Who decides my medical treatment? | Your doctors will give you information about treatments and options. You have the right to choose your treatment. You can say “YES” to the treatment(s) you want or you can say “NO” to any treatment you do not want – even if the treatment might prolong your life. |
| How do I know what I want? | Your doctor must tell you about your medical condition and about what different treatments can do for you. Many treatments have “side effects.” Your doctor must offer you information about serious problems that medical treatment is likely to cause you.  *Your doctor can tell you which treatments are available to you but cannot choose for you.* |
| What if I am too sick to decide? | If you cannot make treatment decisions, your doctor will ask for your closest available relative or friend to help decide what is best for you. It is helpful if you say to someone in advance what medical treatment you desire in the event that something should happen and you cannot speak for yourself. There are several kinds of “advance directives” that you can use to express who you want to speak on your behalf as well as what treatment you do and/or do not want.  *One kind of advance directive under California law is called a Durable Power of Attorney for Health Care. This document lets you designate someone as your “Agent” who is responsible for making your health care decisions when you are unable to.* |
| Whom can I name as my Agent? | You can select an adult relative or friend who you trust as your Agent. This individual will speak on your behalf when you are too ill to make your own healthcare decisions. |
| How does whomever I name as my Agent know what Medical treatment I would want? | You can talk to your designated Agent and doctor about your requested medical treatment in the event you are unable to make the decision on your own and that information can be transcribed in your medical records. Also, you can write down in the Durable Power of Attorney for Healthcare document when you would and would not want medical treatment. Give your doctor and Agent a copy of the Durable Power of Attorney form  *You should also carry a copy with you in the event that you are hospitalized or enter a treatment center so that it may be placed into your medical record.* |
| What if I do not have anyone to name as my Agent? | You can use another kind of advance directive called a “living will” to write down your wishes about medical treatment. It takes effect while you are still alive but have become unable to speak for yourself. The California Natural Death Act lets you sign a “living will” called a Declaration. Anyone 18 years of age or older and of sound mind may sign one. When you sign a Declaration, it tells your doctors that you do not want any treatment that would only prolong your life. All life-sustaining treatment would be stopped if you were terminally ill and your death was expected soon, or if you were permanently unconscious or “brain dead.” In addition, you would still receive treatment to keep you comfortable and pain-free.   *Your doctor must follow your wishes about limiting treatment or turn your care over to another doctor who will. Your doctors are also legally protected when they follow your wishes.* |
| Are there other wills I can use? | Instead of using the Declaration in the Natural Death Act, you can use any of the available “living will” forms. You can also use a Durable Power of Attorney for Healthcare form without naming an Agent. Or, you can simply write down your wishes on a piece of paper. Your doctors and family can use what you write in deciding about your treatment. However, “living wills” that do not meet the requirements of the Natural Death Act do not give as much protection for your doctors if a disagreement arises about following your wishes. |
| What if I change my mind? | You can change OR revoke any of these advance directive documents at any time as long as you can communicate your wishes. Be sure to let your doctors, family, friends and any Agent you may have appointed know if you decide to change or revoke your advance directive. |

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| Am I required to fill out any advance directive forms? | No, you are not required to fill out any of these forms if you do not want to. You can just talk with your doctor(s) and ask them to write down what you’ve said in your medical chart or you could talk with your family. However, writing down your medical treatment wishes is encouraged as it will give people a clearer understanding of your wishes and is more likely to be followed in the manner you would like. |
| Will I still be treated if I do not fill out any of these forms? | **ABSOLUTELY**. You will still get full medical treatment. We just want you to know that if you should become too sick to make decisions, someone else will have to make them for you. Remember that:   * A Durable Power of Attorney for Healthcare lets you name someone to make treatment decisions for you. That person can make most medical decisions—not just those about life-sustaining treatment—when you cannot speak for yourself. Besides naming an Agent, you can also use this form to say when you would and would not want particular kinds of treatment. * If you do not have someone you want to name to make your decisions when you cannot, you can sign a Natural Death Act Declaration. This Declaration says that you do not want life-prolonging treatment if you are terminally ill or permanently unconscious (“brain dead”). |
| What else do I need to know about making future health care decisions? | We have provided you with this information concerning advance directives so that you can fully participate in planning your future heath care decisions. Unfortunately, every family must face the possibility of serious illness in which important decisions must be made. We believe that it is never too early to think about these important decisions and to discuss these topics with your family, friends, and other interested persons. Finally, rest assured your medical provider does **NOT** condition the provision of care or otherwise discriminate against anyone based on whether or not the person has executed an advance directive. It is strictly up to you to decide and to inform your doctor of whether or not you have completed an advance directive and then provide them a copy of it. Also, remember to bring a copy of your advance directive when you check into a hospital or other health facility so that it can be kept with your medical records. |
| How can I get more information about advance health care directives? | To learn more about advance directives or to obtain an advance directive form, you may visit the California Office of the Attorney General website’s End of Life Care Planning webpage at: <https://oag.ca.gov/consumers/general/care> |