

Why Should I Have an Advance Health Care Directive?

There are several reasons why you should have an AHCD, including:

- making your health care wishes known
- avoiding family disputes
- helping to ease the burden on loved ones during a difficult time

How Can ALRP Help?

ALRP attorneys will draft an Advance Health Care Directive for free.

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ADVANCE HEALTH CARE DIRECTIVE

A Guide For People
Living With HIV/AIDS

It's not just about people's rights,
it's about people's lives.

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What Is an Advance Health Care Directive?

An Advance Health Care Directive (AHCD) is a way to ensure that your wishes regarding your health care are carried out if you should become unable to speak for yourself. An AHCD, sometimes also referred to as a “living will,” allows you to:

- appoint another person to be your “agent” for health care decisions
- specify your health care wishes

Appointing an Agent

One of the most important decisions you must make when preparing an AHCD is whom to appoint as your agent.

Your agent will have legal authority to make decisions about your health care if you are unable to do so yourself. You may also appoint alternate agents in case your primary agent is unable or unwilling to act on your behalf.

You can choose almost any adult as your agent. Many people will choose a family member or trusted friend. You generally may not appoint your doctor or any person who works for the health care facility where you are receiving treatment.

Whomever you decide to appoint as your agent(s), it is important to talk to them to ensure that they are aware of, and willing to carry out your health care wishes.

Some issues you may want to discuss with your agent(s) include:

- your desires regarding medical treatment and life support
- how you wish to spend your final weeks or months
- your wishes regarding pain management
- how you want people to treat you
- what you want your loved ones to know
- your religious or spiritual concerns

Making an Advance Health Care Directive

An AHCD is made by filling out a form, which allows you to name a principal agent and one or more alternate agents. It also allows you to give instructions regarding your health care, including life sustaining treatment. Although you are not required to have a lawyer in order to complete an AHCD, you may want to speak to a lawyer if you are unsure of your rights.

Once you have completed the form, you must sign and date it, and have it either notarized or witnessed by two adults. The AHCD will go into effect as soon as your treating physician determines that you are unable to make decisions about your medical care, unless you clearly state that you wish for it to take effect immediately.

Changing or Revoking an Advance Health Care Directive

You may revoke your AHCD at any time by informing your health care provider either personally or in writing. You may also modify your AHCD by completing a new form, which will automatically revoke all prior directives. For minor changes such as updating the contact information of your agent, you may simply write in the new information and initial and date the change.

Safekeeping Your Advance Health Care Directive

After an AHCD form is signed and witnessed or notarized, the original should be kept in a safe place in your home. You should inform at least two family members or trusted friends of its location. You should also give copies to your agent(s) and your health care provider. If you make changes to your AHCD or fill out a new form, be sure to inform these same people and give them the new or revised copies.

A copy can also be placed in a safe deposit box. However, the original should never be placed in a safe deposit box, because it may be sealed after death, making it difficult for your agent to gain access.