

## WHAT YOU SHOULD KNOW ABOUT MAKING END-OF-LIFE HEALTHCARE DECISIONS

### Why should I worry about end-of-life decisions when I'm not sick?

Although it is not easy to think about death, it is important to make some decisions about death ahead of time. If you plan ahead, you can make the process easier for your doctors and family. If you do not plan ahead, then you might lose the ability to make your own decisions about your medical care.

### How can I make sure that my end-of-life decisions are carried out?

An Advance Directive is a paper in which you tell your wishes about your own medical care. It would be used in the event that you are too sick to tell the doctor your wishes.

By using an Advance Directive, you make sure that the care you get is exactly the treatment that you wanted. Also, making these decisions yourself takes the burden off of your doctors and family. You do not have to have an Advance Directive if you do not want one.

There are two important types of Advance Directives.

- Living Will
- Healthcare Power of Attorney

### What should I think about in making my end-of-life decisions?

The forms for the Living Will and Healthcare Power of Attorney will ask you for certain information. The "five wishes" should be covered in the papers, however they may not be.

Below are what the five wishes are. Make sure that you include them in your Living Will and Healthcare Power of Attorney.

#### Five Wishes

The five wishes lay out your desires for the end of your life in case you become very ill. The five wishes are a guide to use in writing your living will and health care power of attorney.

1. Your wish to name the person who will make health care decisions for you when you no longer can.
2. Your wish for if you want medical treatment like life support or feeding tubes.
3. Your wish for things to make you comfortable, like pain medication, music, and books.
4. Your wish for if you want to interact with others and have visitors.
5. Your wish for what you want your loved ones to know.

#### Living Will

A Living Will is a paper you can sign that tells the doctor what to do if you become very sick. You can decide whether you want the doctor to use medicine to keep you alive even after you are too sick to recover.

#### How can I get a living will?

- You must be at least 18 years old;
- You must be mentally competent;
- The Living Will must be signed by 2 Witnesses, including a notary public;
- If you are a nursing home patient, an agent of the Governor (called an "ombudsman") must be present at the signing. To contact an ombudsman contact the Lieutenant Governor's Office on Aging at 1-800-868- 9095 or 803-734-9900.

A lawyer can write a living will for you. You can also do your own living will. You can get one that meets South Carolina law from the SC Department of Health and Human Services ([www.dhhs.state.sc.us](http://www.dhhs.state.sc.us)) or the South Carolina Bar ([www.scbar.org/public/resources.asp](http://www.scbar.org/public/resources.asp)). You need to be careful in writing your own living will, though, because if it does not meet the rules of the law then your wishes may not be carried out.

#### Can my Living Will be oral?

Maybe. Oral Living Wills can be okay, but since there is no writing, there might be an argument about what your wishes actually were. People might say you said something that you actually did not. It is always best to have your living will be in writing.

### **Healthcare Power of Attorney**

A Healthcare Power of Attorney is a paper that states who you want to make your healthcare decisions when you are no longer able to. The person making the decisions is called an Agent. This arrangement is different from a Living Will because someone else will be making the decision for you.

If you want to name an Agent to make other decisions for you (not just healthcare) you should use a Durable Power of Attorney. A Healthcare Power of Attorney is just one type of Durable Power of Attorney, but is limited to your health decisions.

#### **How can I get a Healthcare Power of Attorney?**

- You must be mentally competent;
- You must have 2 Witnesses at the signing

#### **Things to think about:**

- Your agent should be someone you trust; you want them to be able to make decisions for you.
- Witnesses must not be closely connected to you, such as family.
- Until you become too sick to do so, you keep the right to make healthcare decisions.
- Your agent has a duty to act in the way that you ask them to do.
- You can limit your agent's power to make decisions for you.

You can use the state form, [available at the Lieutenant Governor's Office on Aging](#), to create your Healthcare Power of Attorney.

You can also have an attorney write one for you.

#### **What does an advance directive tell my doctor and family?**

Usually Advance Directives state when you would like to refuse medical care. You can also choose whether to continue receiving water, food, and oxygen after you become very ill.

#### **Where should I keep my advance directive?**

Keep the original in a safe place. You should leave copies with people that you trust, such as your family members, doctors, lawyer, or minister. DO NOT keep your only copy in a safe deposit box where no one can find it.

#### **What if I want to change my advance directive, or want to get rid of the one I have?**

If you change your mind and no longer want an Advance Directive, you can tear it up. It must be clear that you intended to tear it up; just crossing through the words or writing "cancel" will not be enough. You can also write a new Advance Directive with new directions about the medical treatment you want. Remember to make the changes clear to your doctor.

This is not all of the information that you will need when considering a living will or healthcare power of attorney. Consult an attorney.

If you do not have a lawyer, the South Carolina Bar Lawyer Referral Service can give you the name of a lawyer who is willing to meet with you and advise you at a lower rate. For the name of a lawyer in your area; call the Lawyer Referral Service (800) 868-2284 statewide or (803) 799-7100 in Columbia. If you have a very low income, your local legal services office may be able to help you. To get in touch with them, call the Legal Assistance

Telephone Intake Service for a referral (888) 346-5592 statewide or (803) 744-9430 in Columbia.

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