

“Your Right to Decide: Communicating Your Healthcare Choices”

Introduction

Questions about medical care at the end of life are very important today because of the ability of medical technology to prolong life and because of highly publicized court cases involving comatose or dying patients. The best way for you to be in control of your medical treatment in such a situation is to record your preferences in advance.

What are advance directives?

Advance directives are documents written in advance of serious illness which state your choices about medical treatment or name someone to make choices about medical treatment for you, if you become unable to make decisions. Through advance directives such as living wills and durable powers of attorney for healthcare, you can make legally valid decisions about future medical treatment.

What does Georgia law say about this subject?

Generally, you have the right to refuse any medical or surgical treatment you do not wish to receive. Georgia law allows you to sign advance directives so your wishes will be followed, even if you become unable to communicate them to your healthcare provider.

What is a living will?

A living will is a document in which you can instruct your physician to withhold or withdraw life-sustaining procedures if you become terminally ill. State law describes the kind of form that must be used in order to have a valid living will.

A living will must be signed, dated and witnessed. A lawyer is not needed to draw up a living will, although you may decide consultation with a lawyer is desirable.

What is a durable power of attorney for health care?

A durable power of attorney for healthcare is another kind of advance directive: a signed, dated and witnessed legal document in which you can name another person, an agent, to make medical decisions for you, if you become unable to make them. In a healthcare power of attorney, you can describe treatment you want and do not want. Also, this form of advance directive can relate to any medical condition, such as Alzheimer's Disease, not just terminal illness. Georgia law describes a healthcare power of attorney form, but other forms are also acceptable. A durable power of attorney for healthcare can be written without the advice of a lawyer, although you may decide consultation with your attorney would be helpful.

Are advance directives just for “senior citizens”?

No. A severe illness or serious accident can happen to a person of any age. If you have strong feelings about what choices you would want made in such a situation, regardless of your age, you are encouraged to consider signing an advance directive.

Can an advance directive be changed?

These documents can be changed or revoked at any time. If you make changes to an advance directive, be sure to destroy all of the outdated copies and provide copies of the new version to your family, your physician and your attorney, if you have one. If you wish to revoke an advance directive while receiving treatment at a hospital, just notify your primary physician or nurse.

Will an advance directive be honored in an emergency?

Usually it is impossible to determine the chances of survival in an emergency situation or to determine the outlook for recovery. After the initial emergency has passed, and depending on your condition, your advance directives will be consulted and carried out if indicated.

Is it difficult to stop a treatment once it has been started?

No, not if you have an advance directive and your instructions are clear. If your condition changes suddenly, it may take days or even weeks before the outlook for recovery is known. During this time, it is appropriate to use any treatments that might be beneficial. When the outlook for recovery is known, if your instructions indicate you would not want continued treatment under these circumstances, treatment can be stopped.

Is there a time limit on how long my advance directive is valid?

No, but you are encouraged to update any advance directives periodically since this indicates that you have given the matter a great deal of thought.

Are there any limitations on carrying out the instructions in my directive if I am pregnant?

Yes. Most likely any instructions which would result in withholding or withdrawing life-prolonging treatments would not be honored during the time you are pregnant.

After I complete an advance directive, what should I do with it?

Copies of an advance directive should be given to someone who would know if you became seriously ill. You should also give a copy to your physician and you may want to consider giving a copy to your minister, family members or close friends. Of course, if you appoint an agent to make healthcare decisions for you, you should give a copy of your advance directive to the agent. Finally, you should consider carrying a

card in your wallet stating you have signed an advance directive and where it is located.

In order for a hospital to honor your advance directive, you must provide a copy of the document to someone at the hospital---a physician, nurse, social worker or chaplain---so a copy of it can be included in your medical record.

Will my Georgia advance directive be honored if I am admitted for treatment in a different state?

The law honoring advance directives differs from state to state, so it is unclear whether a Georgia advance directive would be valid in a different state. Because an advance directive is an expression of your wishes about medical care, it will influence that care no matter where you are admitted. However, if you spend a great deal of time in more than one state, you might want to consider signing an advance directive that meets all the requirements of each state.

Can I be refused admission to a hospital if I do not have an advance directive?

No. Federal law prohibits a hospital from refusing to admit a patient because he or she does not have an advance directive. However, as of December 1991, hospitals must ask adult inpatients if they have advance directives, document their answers and provide information on state laws and hospital policies about advance directives.

Does this hospital have a policy about advance directives?

Yes. It is the policy of this hospital to honor a patient's advance directive, if it meets the requirements of state law. We also recognize and respect the right of patients to accept or reject offered medical or surgical treatment to the extent permitted by law.

Where can I get forms for advance directives?

You can obtain living will and durable power of attorney for healthcare forms by writing the Medical Association of Georgia, the State Bar Association, the Georgia Hospital Association or your local hospital. If you plan to sign the documents while receiving treatment at a hospital, you or your family members will be responsible for assuring that witnesses are present when you sign the documents. Hospital personnel cannot witness these documents.

The Medical Center of Central Georgia
P.O. Box 6000
Macon, Georgia 31208

Medical Association of Georgia
938 Peachtree Street
Atlanta, Georgia 30309

Georgia Hospital Association
1675 Terrell Mill Road
Marietta, Georgia 30067

State Bar of Georgia
50 Hurt Plaza
Suite 800
Atlanta, Georgia 30303-2934

The Georgia Department of Medical Assistance has approved this brochure for distribution under the requirements of federal law.

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Georgia Advance Directive Wallet Cards

Fill out the cards below. Make sure you put one in your wallet with your insurance cards and driver's license. You may want to keep the other one in your car glove compartment, or on the front of your refrigerator.

Georgia Advance Directive Card

Advance Directives I have signed:
(check one or more, as appropriate)
Georgia Living Will
Durable Power of Attorney for Health Care
Other _____

Person to Contact: _____

Address: _____

City _____ State _____ Zip _____

Phone _____ Date _____

Signature _____

Georgia Advance Directive Card

Advance Directives I have signed:
(check one or more, as appropriate)
Georgia Living Will
Durable Power of Attorney for Health Care
Other _____

Person to Contact: _____

Address: _____

City _____ State _____ Zip _____

Phone _____ Date _____

Signature _____