
INTRODUCTION TO YOUR WASHINGTON ADVANCE DIRECTIVE

This packet contains two legal documents that protect your right to refuse medical treatment you do not want, or to request treatment you do want, in the event you lose the ability to make decisions yourself:

1. The Washington Durable Power of Attorney for Health Care lets you name someone to make decisions about your medical care—including decisions about life support—if you can no longer speak for yourself. The Durable Power of Attorney for Health Care is especially useful because it appoints someone to speak for you any time you are unable to make your own medical decisions, not only at the end of life.

2. The Washington Health Care Directive lets you state your wishes about medical care in the event your attending physician determines that you have developed a terminal condition and can no longer make your own medical decisions. The Health Care Directive also applies to conditions of permanent unconsciousness, like irreversible coma and persistent vegetative state, although another doctor must then agree with your attending physician's opinion.

Partnership for Caring recommends that you complete both of these documents to best ensure that you receive the medical care you want when you can no longer speak for yourself.

Note: These documents will be legally binding only if the person completing them is a competent adult (at least 18 years old).

COMPLETING YOUR WASHINGTON DURABLE POWER OF ATTORNEY FOR HEALTH CARE

Whom should I appoint as my Attorney-in-fact?

Your attorney-in-fact is the person you appoint to make decisions about your medical care if you become unable to make those decisions yourself. Your attorney-in-fact may be a family member or a close friend whom you trust to make serious decisions. The person you name as your attorney-in-fact should clearly understand your wishes and be willing to accept the responsibility of making medical decisions for you.

The person you appoint as your attorney-in-fact **cannot** be:

- your doctor,
- an employee of your doctor, or
- an administrator, owner or employee of a health care facility in which you are a patient at the time you sign your Durable Power of Attorney for Health Care.

However, if any of the individuals listed above is also your spouse, adult child, brother or sister, you may appoint that individual to be your attorney-in-fact.

You can appoint an additional individual as your successor attorney-in-fact.

The successor will step in if your first choice for attorney-in-fact is unable, unwilling or unavailable to act for you.

How do I make my Washington Durable Power of Attorney for Health Care legal?

Although the law does not explicitly require your Durable Power of Attorney for Health Care to be witnessed, we recommend that two adults sign the statement on the document indicating that you were of sound mind and under no duress when you signed the document.

Should I add personal instructions to my Washington Durable Power of Attorney for Health Care?

Partnership for Caring advises you not to add instructions to this document. One of the strongest reasons for naming an attorney-in-fact is to have someone who can respond flexibly as your medical situation changes and deal with situations that you did not foresee. If you add instructions to this document, you might unintentionally restrict your attorney-in-fact's power to act in your best interest.

Instead, we urge you to talk with your attorney-in-fact about your future

COMPLETING YOUR WASHINGTON DURABLE POWER OF ATTORNEY FOR HEALTH CARE (CONTINUED)

medical care and describe what you consider to be an acceptable “quality of life.” If you want to record your wishes about specific treatments or conditions, you should attach an additional sheet of personal instructions to your Washington Health Care Directive (living will).

What if I change my mind?

If you wish to revoke your Washington Durable Power of Attorney for Health Care, you should notify your attorney-in-fact or your health care provider in writing of your intent to revoke. If you are unable to write, you can have someone else write a statement for you explaining that you are unable to write, but want your Durable Power of Attorney for Health Care revoked.

How do I make my Washington Health Care Directive legal?

In order to make your Health Care Directive legally binding, you must sign the document in the presence of two adult witnesses. The two witnesses **cannot** be:

- related to you by blood or marriage,
- entitled to any portion of your estate through the operation of law or through any will or codicil,
- a person who has a claim against your estate, or
- your attending physician, an employee of your attending physician or an employee of a health facility in which you are a patient.

Can I add personal instructions to my Health Care Directive?

Yes. You can add personal instructions under section (h). *This is important because it is unclear when you would be considered “terminal” under Washington law.* Partnership for Caring recommends that you add the statement, “I do not want life support if it is likely that my death would occur without its use and there is no reasonable expectation that I will regain the ability

to make decisions and express my wishes.” You may also want to refuse specific treatments by a statement such as, “I especially do not want cardiopulmonary resuscitation, a respirator or antibiotics,” or emphasize pain control by adding instructions such as, “I want to receive as much pain medication as necessary to ensure my comfort, even if it may hasten my death.”

If you have appointed an attorney-in-fact, it is a good idea to write a statement such as, “Any questions about how to interpret or when to apply my Health Care Directive are to be decided by my attorney-in-fact.”

It is important to learn about the kinds of life-sustaining treatment you might receive. Consult your doctor or order the Partnership for Caring booklet, “Medical Treatments and Your Advance Directives.”

What if I change my mind?

You may revoke your Health Care Directive at any time by:

- canceling, defacing, obliterating, burning, tearing or otherwise physically destroying your Directive or having another destroy it for you in

COMPLETING YOUR WASHINGTON HEALTH CARE DIRECTIVE (CONTINUED)

your presence,

- executing a written and dated revocation, or
- orally expressing your intent to revoke your Directive.

What other important facts should I know?

A pregnant patient's Health Care Directive will not be honored due to restrictions in state law. If this issue concerns you, contact Partnership for Caring for more information.

AFTER YOU HAVE COMPLETED YOUR DOCUMENTS

1. Your Washington Health Care Directive and Washington Durable Power of Attorney for Health Care are important legal documents. Keep the original signed documents in a secure but accessible place. Do not put the original documents in a safe deposit box or any other security box that would keep others from having access to them.

2. Give photocopies of the signed originals to your attorney-in-fact and successor attorney-in-fact, doctor(s), family, close friends, clergy and anyone else who might become involved in your health care. If you enter a nursing home or hospital, have photocopies of your documents placed in your medical records.

3. Be sure to talk to your attorney-in-fact and successor, doctor(s), clergy, and family and friends about your wishes concerning medical treatment. Discuss your wishes with them often, particularly if your medical condition changes.

4. If you want to make changes to your documents after they have been signed and witnessed, you should complete new documents.

5. Remember, you can always revoke one or both of your Washington docu-

ments. If you revoke your documents, make sure you notify your representative, successor representatives, your family and your doctors.

6. Be aware that your Washington documents will not be effective in the event of a medical emergency. Ambulance personnel are required to provide cardiopulmonary resuscitation (CPR) unless they are given a separate order that states otherwise. These orders, commonly called “nonhospital do-not-resuscitate orders,” are designed for people whose poor health gives them little chance of benefiting from CPR. These orders must be signed by your physician and instruct ambulance personnel not to attempt CPR if your heart or breathing should stop. Currently not all states have laws authorizing nonhospital do-not-resuscitate orders. Partnership for Caring does not distribute these forms. We suggest you speak to your physician.

If you would like more information about this topic contact Partnership for Caring or consult the Partnership for Caring booklet “Cardiopulmonary Resuscitation, Do-Not-Resuscitate Orders and End-Of-Life Decisions.”