

## **Advance Directives**

### **You Have the Right: Using Advance Directives to State Your Wishes about Your Medical Care**

People often worry about the medical care they would get if they became too sick to make their wishes known.

Some people may not want to spend months or years on life support. Others may want every step taken to lengthen life.

You can state your medical care wishes in writing while you are healthy and able to choose. Your health care facility must explain your right to state your wishes about medical care. It also must ask you if you have put your wishes in writing.

This document explains your rights under Ohio law to accept or refuse medical care. The document also explains how you can state your wishes about the care you would want if you could not choose for yourself.

This document does not contain legal advice, but will help you understand your rights under the law.

### **What are my rights to choose my medical care?**

You have the right to choose your own medical care. If you do not want a certain type of care, you have the right to tell your doctor you do not want it.

### **What if I am too sick to decide? What if I cannot make my wishes known?**

Most people can make their wishes about their medical care known to their doctors. But some people become too sick to tell their doctors about the type of care they want. Under Ohio law, you have the right to fill out a form while you are able to act for yourself. The form tells your doctors what you want done if you can't make your wishes known.

### **What kinds of forms are there?**

Under Ohio law, there are four different forms, or advance directives, you can use: a Living Will, a Do Not Resuscitate (DNR) Order, a Health Care Power of Attorney (also known as a Durable Power of Attorney for Health Care) and a Declaration for Mental Health Treatment. You fill out an advance directive while you are able to act for yourself. The advance directive lets your doctor and others know your wishes about medical care.

**Do I have to fill out an advance directive before I get medical care?**

No. No one can make you fill out an advance directive. You decide if you want to fill one out.

**Who can fill out an advance directive?**

Anyone 18 years old or older who is of sound mind and can make his or her own decisions can fill one out.

**Do I need a lawyer?**

No, you do not need a lawyer to fill out an advance directive.

**Do the people giving me medical care have to follow my wishes?**

Yes, if your wishes follow state law. However, a person giving you medical care may not be able to follow your wishes because they go against his or her conscience. If so, they will help you find someone else who will follow your wishes.

**Living Will**

A Living Will states how much you want to use life-support methods to lengthen your life. It takes effect only when you are:

» in a coma that is not expected to end,

- OR -

» beyond medical help with no hope of getting better and can't make your wishes known,

- OR -

» expected to die and are not able to make your wishes known.

The people giving you medical care must do what you say in your Living Will. A Living Will gives them the right to follow your wishes.

Only you can change or cancel your Living Will. You can do so at any time.

## **Do Not Resuscitate Order**

A Do Not Resuscitate (DNR) Order is an order written by a doctor or, under certain circumstances, a certified nurse practitioner or clinical nurse specialist, that instructs health care providers not to do cardiopulmonary resuscitation (CPR). In Ohio, there are two types of DNR Orders: (1) DNR Comfort Care, and (2) DNR Comfort Care – Arrest. You should talk to your doctor about DNR options.

## **Health Care Power of Attorney**

A Health Care Power of Attorney is different from other types of powers of attorney. This document talks only about a Health Care Power of Attorney, not about other types of powers of attorney.

A Health Care Power of Attorney allows you to choose someone to carry out your wishes for your medical care. The person acts for you if you cannot act for yourself. This could be for a short time period or for a long time period.

### **Who should I choose?**

You can choose any adult relative or friend whom you trust to act for you when you cannot act for yourself.

Be sure to talk with the person about what you want. Then write down what medical care you do or do not want. You should also talk to your doctor about what you want. The person you choose must follow your wishes.

When does my Health Care Power of Attorney take effect? The form takes effect only when you can't choose your care for yourself. The form allows your relative or friend to stop life support only in the following circumstances:

» if you are in a coma that is not expected to end,

- OR -

» if you are expected to die.

## **Declaration for Mental Health Treatment**

A Declaration for Mental Health Treatment gives more specific attention to mental health care. It allows you, while capable,

to appoint a representative to make decisions on your behalf when you lack the capacity to make a decision. In addition, the declaration can set forth certain wishes regarding treatment.

For example, you can indicate medication and treatment preferences, and preferences concerning admission/ retention in a facility.

### **What is the difference between a Health Care Power of Attorney and a Living Will?**

Your Living Will explains, in writing, your wishes about the use of life-support methods if you are unable to make your wishes known. Your Health Care Power of Attorney lets you choose someone to carry out your wishes for medical care when you cannot act for yourself.

### **If I have a Health Care Power of Attorney, do I need a Living Will, too?**

You may want both. Each addresses different parts of your medical care.

### **Can I change my advance directives?**

Yes, you can change your advance directives whenever you want. It is a good idea to look over your advance directives from time to time to make sure they still say what you want and that they cover all areas.

### **If I don't have an advance directive, who chooses my medical care when I can't?**

Ohio law allows your next-of-kin to choose your medical care if you are expected to die and cannot act for yourself.

### **Where do I get advance directive forms?**

Many of the people and places that give you medical care have advance directive forms. You may also be able to get these forms from CaringInfo at <https://www.caringinfo.org/planning/advance-directives/by-state/ohio/>.

### **What do I do with my forms after filling them out?**

You should give copies to your doctor and health care facility to put into your medical record. Give one to a trusted family member or friend. If you have chosen someone in a Health Care Power of Attorney, give that person a copy. Put a copy with your personal papers.

You may want to give one to your lawyer or clergy person. Be sure to tell your family or friends about what you have done. Do not just put these forms away and forget about them.

## **Organ and Tissue Donation**

Ohioans can choose whether they would like their organs and tissues to be donated to others in the event of their death. By making their preference known, they can ensure that their wishes will be carried out immediately and that their families and loved ones will not have the burden of making this decision at an already difficult time. Some examples of organs that can be donated are the heart, lungs, liver, kidneys and pancreas. Some examples of tissues that can be donated are skin, bone, ligaments, veins and eyes.

### **There are two ways to register to become an organ and tissue donor:**

1. You can state your wishes for organ and/or tissue donation when you obtain or renew your Ohio Driver License or State I.D. Card,

- OR -

2. You may register online for organ donation through the Ohio Donor Registry website:  
[www.donatelifeoio.org](http://www.donatelifeoio.org)