



## Healthcare Directives by Scott D. Abel

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As part of any estate planning, one almost always discusses a will and a power of attorney. However, a health care directive, or living will, is something which also ought to be discussed.

A health care directive is a document which provides your instructions regarding your wishes for medical treatment, in the event you are unable to provide those instructions to your doctor directly.

How does your doctor know what your medical treatment wishes would be, if you are unable to communicate those to your doctor? As a patient, you have the right to accept or refuse any treatment. How can you refuse, if you are not conscious? The answer is in a health care directive.

A health care directive can be as simple or as complicated as the person wishes it to be. On the simple end of the spectrum, the person appoints someone else to be their health care proxy, with no restrictions or limitations. The health care proxy is then given the ability to provide instructions to the doctor, if the person is unable to

communicate.

The expectation in this case, is that the person and the proxy have discussed the medical wishes of the person, so that the proxy is well informed as to the wishes of the person. Generally, we see spouses being the proxies for each other, or children or other family members.

On the complex side of the spectrum, the health care proxy is given specific instructions by the person as to their wishes, and specific medical treatment. The health care directive would be quite detailed as to the wishes of the person for different medical circumstances.

More than one person can be appointed as a health care proxy. However, in those circumstances, it is important to determine whether decisions are to be made unanimously, or whether a simple majority will determine what treatment decision will be made.

A health care directive ensures that at a time where there is

some form of medical emergency, or medical treatment issues, there is a clear understanding as to who has the ability to make that decision, and what that decision ought to be.