



Protecting Your Future  
with a Living Will

How do you feel about life-support systems for the terminally ill? How much thought have you given to the decisions your family may face when contemplating the choice of maintaining or terminating life-sustaining medical treatment for you? Certainly, it is an easy subject to avoid considering. However, it is important to recognize there are measures you can take now that can help solidify your thoughts and wishes on the subject, thus providing your loved ones with guidance in the event such decisions become necessary.

## **A Closer Look**

At the present time, nearly all states have passed some form of law dealing with the requirements for **living wills** or **health care proxies**. While a health care proxy allows you to appoint someone to make decisions on your behalf, a living will generally allows you to specify the particular types of treatment you would like to have provided or withheld. Each state has its own set of requirements.

A living will is a medical directive—written in advance—that sets forth your preference for treatment in the event you become unable to direct care. The document may be drafted to include when the directive should be initiated and who has the decision-making responsibility to withdraw or withhold treatment. In addition to allowing respect for your wishes, the living will can help alleviate feelings of guilt or uncertainty experienced by those faced with the responsibility of making important decisions for loved ones.

## The Patient Self-Determination Act

A far-reaching federal law, known as the **Patient Self-Determination Act**, requires all health care providers that receive **Medicare** and **Medicaid** to inform everyone over age 18 of their right to determine how they want to deal with this issue and whether they want to fill out a living will. If you have received information on this subject, it's no coincidence, since the law also requires increased emphasis on community outreach and education.

This law impacts virtually every hospital, nursing home, and **health maintenance organization (HMO)** throughout the country. It is important to note that the law does not mandate that health care providers require their patients have a living will. Instead, it stipulates that health care providers must provide written information to the patient about his or her rights to make decisions about medical treatment, including the right to make an advance determination concerning life-sustaining medical treatment, and to record whether the patient has done so.

At the present time, it appears most of these organizations have determined this question can most appropriately be handled when a patient is admitted. Therefore, the next time you are admitted to a hospital—even for something as minor as having a mole removed—don't be surprised if you are given information about these rights and are asked to fill out a form that asks whether you currently have a living will or wish to have one.

The living will is a legal document and each state has its own specific requirements. A qualified legal professional can help you understand the benefits of a living will and what has to be done to assure its validity.



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