

Advance Directives

Your right to use advance directives (such as a living will or a power of attorney)

You have the right to ask someone such as a family member or friend to help you with decisions about your health care. Sometimes, people become unable to make health care decisions for themselves due to accidents or serious illness. If you want to, you can use a special form to give someone the legal authority to make decisions for you if you ever become unable to make decisions for yourself. You also have the right to give your doctors written instructions about how you want them to handle your medical care if you become unable to make decisions for yourself. The legal documents that you can use to give your directions in advance in these situations are called “advance directives.”

There are different types of advance directives and different names for them. Documents called “living will” and “power of attorney for health care” are examples of advance directives. If you want to have an advance directive, you can get a form from your lawyer, from a social worker, or from some office supply stores. You can sometimes get advance directive forms from organizations that give people information about Medicare. Regardless of where you get this form, keep in mind that it is a legal document. You should consider having a lawyer help you prepare it. It is important to sign this form and keep a copy at home. You should give a copy of the form to your doctor and to the person you name on the form as the one to make decisions for you if you can't. You may want to give copies to close friends or family members as well.

If you know ahead of time that you are going to be hospitalized, and you have signed an advance directive, take a copy with you to the hospital. If you are admitted to the hospital, they will ask you whether you have signed an advance directive form and whether you have it with you. If you have not signed an advance directive form, the hospital has forms available and will ask if you want to sign one.

Remember, it is your choice whether you want to fill out an advance directive (including whether you want to sign one if you are in the hospital). According to law, no one can deny you care or discriminate against you based on whether or not you have signed an advance directive. If you have signed an advance directive, and you believe that a doctor or hospital hasn't followed the instructions in it, you may file a complaint with:

California

Medical Board of California Central Complaint Unit (doctor)
(800) 633-2322
1426 Howe Avenue, Suite 54
Sacramento, CA 95825-3236

California Department of Health Services Licensing and Certification (hospital)
(916) 552-8700

Florida

Florida Department of Elder Affairs
4040 Esplanade Way, Tallahassee, FL 32399-7000
phone: 850-414-2000 fax: 850-414-2004 TDD: 850-414-2001

Michigan

Michigan Department of Community Health
(517) 373-3740
Capitol View Building
201 Townsend Street
Lansing, MI 48913

Nevada

Bureau of Licensure & Certification Agency
(702) 486-6515

New Mexico

New Mexico Department of Health
Incident Management Bureau
(800) 445-6242
(800) 584-6057 (fax)

Ohio

Ohio Senior Health Insurance Information Program
Ohio Department of Insurance
50 W. Town Street, Third Floor - Suite 300
Columbus, Ohio 43215
(800) 686-1578

Texas

Texas Health and Human Services System
1100 W. 49th Street
Austin, Texas 78756
(888) 963-7111
If you are hearing impaired call (TTY/TDD) (800) 735-2989

Utah

Survey & Certification Agency
(800) 662-4157

Washington

State Department of Social and Health Services
(800) 562-3022