

## *ADVANCE HEALTH CARE DIRECTIVE—Do You Need One?*

by George F. Dickerman, Elder Law Attorney

An Advance Health Care Directive ("AHCD") is known by other names, for example, a "Living Will" or a "Durable Power of Attorney For Health Care". The proper "legal" name is an Advance Health Care Directive.

When properly executed, this document gives your doctor, hospital, and other medical personnel, your instructions on how you want your medical decisions to be made if you become incapacitated and unable to make such decisions.

The instructions you give can be broad and general, or you can make them quite specific. Copies of your AHCD should be given to all your doctors, including your hospital if you have a medical chart there.

You must appoint the person who will have the authority to make your health care decisions when you are unable. This is usually a spouse or other trusted family member; however, you may choose anyone so long as it is a person whom you totally trust to carry out your written instructions.

Your instructions can include such matters as whether you want to be buried or cremated, where your remains will be interred, whether you want to donate your body parts/organs for transplant, research or medical education.

You may also nominate the person whom you would want the court to appoint as the conservator of your person (including the authority to make medical decisions) should a conservatorship be required. Generally, but not always, the proper creation of an AHCD will avoid the need to have a conservatorship established over your person (as opposed to your estate).

Perhaps most importantly, your AHCD can state whether you want your doctors to perform "heroic measures" to keep you alive, even though you have no brain activity, are in a vegetative state and, with a reasonable degree of medical certainty, will never regain consciousness.

Lastly, your AHCD can either be notarized or you can have two witnesses sign the document in your presence. The witnessing requirements are more strict than the notary public process. I suggest spending the \$10 or so and have it properly notarized.

California Probate Code Section 4701 provides a form that can be used as an AHCD. This form should be available at most legal stationary stores. If you cannot



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NOTE: The phone number for Mr. Dickerman's office in Riverside is (951) 788-2156.

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