

How Do I Make Sure My Health Care Wishes Are Followed if I Am Incapacitated?

WHAT CAN I DO TO MAKE HEALTH CARE CHOICES IN ADVANCE?

There are three kinds of legal documents, called **advance directives**, that allow you to make your wishes known in case something happens that makes you unable to make health care decisions.

- A **health care proxy** allows you to designate someone you trust to make decisions about your medical care if you cannot.
- A **living will** lets you explain your wishes in advance about what you want the doctors to do in case something happens to you.
- A **do not resuscitate (DNR) order** is a specific direction to medical providers not to revive you if your heart or breathing stops.

In most cases, it is **not enough** to make general statements to your doctor, family, or loved ones, and they may not automatically be able to make decisions for you if you are not able. Courts often require clear and convincing evidence of **your** wishes, so it is best to **put them in writing in an advance directive**.

How Do I Get These Documents?

You can talk with a lawyer or health care advocate to help you understand the options and draw up personalized forms. Health Care Proxies and Living Wills that you can fill out on your own are also available:

- **New York State Office of the Attorney General: (800) 771-7755**
http://www.oag.state.ny.us/health/health_care.html
- **New York State Bar Association: (518) 463-3200, www.nysba.org**

WHAT IS THE DIFFERENCE BETWEEN A HEALTH CARE PROXY AND A LIVING WILL?

A **health care proxy** designates someone else to make medical treatment decisions for you if you cannot. A **living will** gives specific directions about what you would like doctors to do in particular circumstances. You may want one or the other or both.

With a health care proxy, you can give specific directions about what you want the person who is making the decisions for you to do, but they will be responsible for making decisions if circumstances come up that you have not specified. You can give the specific directions either in the health care proxy itself or you can make a separate living will. If you do not have someone you would like to designate for a health care proxy, you can have only a living will explaining your wishes.

Even with a health care proxy, for certain decisions, such as to withdraw artificial food and water (e.g. a feeding tube), you must have communicated your wishes clearly, so you may want to consider a living will or directions in your proxy.

WHAT IS A DNR?

A **DNR** means that medical professionals, including doctors and ambulance personnel, must not—under any circumstances—revive you if your heart or breathing stops. It only applies to procedures like cardiopulmonary resuscitation (CPR) and is NOT a general refusal of medical treatment or life support.

- You can execute a DNR in or out of the hospital, but it must be **signed by your doctor**. Ask your doctor or medical facility if you would like a DNR.

NOTE: If you are not in the hospital, you can wear a **bracelet** alerting medical personnel that you have a DNR. For information go to <http://www.strems.org/bracelet.html> or call MedicAlert at (888) 633-4298.

Making Your Wishes Known

In addition to filling out the forms, **be sure that people know about them**. Give copies to your family and loved ones, your doctor or medical facility, and your lawyer or health care advocate. Keep the originals in a safe place where you can get them quickly, and tell people close to you where they are.

HOW CAN I GET MORE INFORMATION?

The **New York State Office of the Attorney General** has a helpful booklet called *Planning Your Health Care in Advance*, which explains the law and your legal rights and options. You can get it by going to http://www.oag.state.ny.us/health/health_care.html or calling **(800) 771-7755**.

ORGAN DONATION: Organ donation is a separate question that does not have to be related to your advance directives, but you may want to consider it at the same time. For more information, go to <http://www.donatelifeny.org/> or call 800-GIFT-4-NY.