

# **Advance Directives**

Your Right to Make Health Care

Decisions at

Nebraska Hematology Oncology PC

## **Advance Directives**

In 1990, Congress passed the Patient Self-Determination Act. It requires health care institutions to tell adult patients and the people in their communities about their rights under Nebraska law to make decisions about medical care. These rights include the right to accept or refuse medical treatments and the right to make Advance Directives about their care. In Nebraska these rights apply to competent adults who are 19 years or older. In Iowa these rights apply to adults who are 18 years or older.

### **What is an Advance Directive?**

An Advance Directive is a written statement in which you state your choices for health care, or name someone to make such choices for you, if you become unable to make your own decisions about medical treatment. The two most common forms are:

- Living Will
- Power of Attorney for Health Care

### **What is a Living Will?**

In a Living Will document you state the kinds of medical treatments you want, or do not want, when you are terminally ill and unable to make your own decisions. It is called "Living Will" because it takes effect while you are still living but unable to communicate your choices. It is important to understand that a Living Will is authoritative; that means that it cannot be overridden by the wishes of family members who might not agree with everything you have decided about your medical care.

### **What is a Power of Attorney for Health Care?**

In a Power of Attorney for Health Care document you name another person to act as your "attorney in fact" or your "representative". This person will make medical decisions for you, if you become unable to make them for yourself.

Your representative can be:

- a family member or
- a close friend.

Your representative cannot be:

- your doctor
- an employee of your doctor or your health care provider (unless he/she is your relative) or
- any person already serving as Power of Attorney for Health Care for 10 or more people (unless he/she is your relative).

Your representative is guided by your instruction about any medical treatment you want or do not want.

**Can I appoint more than one person to share the responsibility of being my Power of Attorney for Health Care?**

You should appoint only ONE person to be your attorney in fact, but you may appoint others as your alternates.

**When do Advance Directives take effect?**

Your Advance Directive takes effect only after you can no longer make personal decisions about medical treatment. As long as you can make your own decision, your healthcare providers will rely on your judgment about what to do.

**Can I have both?**

Yes. In fact, it is often a good idea to have both written instructions about what medical care you do and do not want provided to you if you are terminally ill (a Living Will) and the name of a person to make decisions on your behalf about care when you are unable to do so (Power of Attorney for Health Care).

**Do I have to make an Advance Directive?**

No. It is entirely up to you whether you want to prepare an Advance Directive. The main advantage of an Advance Directive is to express your wishes if you become unable to state them yourself.

**What if I change my mind after I sign an Advance Directive?**

You can revoke it. At any time, if you want, you can make a new one. If you are a patient; tell your doctor or nurse that you want to change your Advance Directive. It is best to destroy the old one.

**What choices should I make in my Advance Directive?**

You decide what to include in your Advance Directive. You should consider the circumstances in which you want life-prolonging medical treatments started, continued or stopped. You may wish to discuss this decision with your family, close friends, health care providers, clergy and others.

## **Does an Advance Directive have to be signed and witnessed?**

Yes, you sign and date both a Living Will and a Power of Attorney for Health Care in order for them to be legally valid.

Your signature on a **Living Will** can be witnessed by either:

- 1) two qualified adults
  - cannot be your life or health insurance provider
  - only one witness may be an employee of your health care provider or
- 2) a notary public

Your signature on a **Power of Attorney for Health Care** can be witnessed by either:

- 1) two qualified adults
  - cannot be:
    - your spouse, parent, child, grand- child, brother or sister
    - any person entitled to your estate
    - your doctor
    - your Power of Attorney for Health Care or their alternates
    - an employee of your life insurance or health insurance provider and- only one witness may be an employee of your health care provider
- Or
- 2) a notary public

## **If I have an Advance Directive in one state, will it be followed in a different state?**

Yes. Under Nebraska law an Advance Directive that is properly prepared according to another state's laws may be honored in Nebraska.

## **What do Advance Directives NOT include?**

- 1) A Living Will is not the same as a Last Will and Testament.
- 2) Power of Attorney for Health Care is not the same as Power of Attorney for financial issues.
- 3) A Living Will is not the same as "Do Not Resuscitate" (DNR) order. A DNR is generated only by a physician order at your request.

## **How do I make my wishes known regarding organ and tissue donation?**

You may request a donor card and make your wishes known to your family.

## **What should I do with my Advance Directive if I choose to have one?**

If you have a Living Will or Power of Attorney for Health Care, give a copy to a family member, your doctor, and your representative, if you have named one.

Tell your doctor to make the Advance Directive part of your permanent record. Keep the original of your Advance Directive in a safe place where it can easily be found by others if it is needed. If you ever need to go into the hospital, you should bring a copy of your Advance Directive with you.

### **Additional Resources**

Nebraska Department of Health & Human Services  
State Unit on Aging  
P. O. Box 95026  
Lincoln NE 68509-5026

Toll Free Phone: (800) 942-7830

Local Phone: : (402) 471-2307

Email: [DHHS.Aging@Nebraska.gov](mailto:DHHS.Aging@Nebraska.gov)

Facebook: <https://www.facebook.com/NebraskaSUA>

<http://dhhs.ne.gov/medicaid/Aging/Pages/ElderRights.aspx>

Nebraska Hospice and Palliative Care Association

<http://www.nehospice.org/>

NEBRASKA Advance Directive  
Planning for Important Health Care Decisions

[www.caringinfo.org](http://www.caringinfo.org)