

SPECIAL REPORT

Advance Medical Directives

What is an advance directive?

An advance directive is a medical power of attorney and/or a living will.

What is a medical power of attorney?

A medical power of attorney is a document executed by a competent person (the principal) giving another person (the agent) the authority to make health care decisions for the principal if the principal is unable to communicate such decisions.

Why have a medical power of attorney?

If you become incapacitated, it is important that someone has the legal authority to communicate your wishes concerning medical treatment. This is true especially if you were to disagree with family members or they were to disagree among themselves about your treatment. By executing a medical power of attorney, you ensure that the directions you have given your agent will be carried out in the event of such disagreement.

Whom should I appoint as my agent?

Since your agent is going to have the authority to make medical decisions for you in the event you

are unable to make such decisions yourself, your agent should be a family member or friend that you trust will follow your wishes. Before executing a medical power of attorney, you should talk with the person whom you want to name as your agent about your wishes concerning medical decisions, especially life sustaining treatment.

What is a living will?

A living will provides instructions on what type of care you would like if you are dying or in a persistent vegetative state. It may include specific instructions concerning the initiation or termination of life sustaining treatment or a more broad statement granting general authority for all medical decisions that are important to you.

When does an advance directive take effect?

An advance directive takes effect only when you require medical treatment and you are unable to communicate your wishes concerning your treatment.

What if I regain my ability to communicate my own decisions?

If you become able to express your wishes at any time, then you will be listened to and the advance directive will have no effect.

Oast & Hook, P.C.
Tel: 757-399-7506
Fax: 757-397-1267
E-mail: mail@oasthook.com

Who should have a copy of my advance directive?

Your agent should have the original document. You should have a copy, and your physician should keep a copy with your medical records. You should tell your family that you have an advance directive. You should carry a card advising the public that you have an advance directive and stating whom to contact to obtain a copy of the advance directive.

How can I get an advance directive?

Contact an Elder Law attorney who is skilled and experienced in this area.

ABOUT THIS DOCUMENT

This document is not intended as a substitute for legal advice. It is distributed with the understanding that if you need legal advice, you will seek the services of a competent Elder Law attorney. While every precaution has been taken to make this document accurate, we assume no responsibility for errors or omissions, or for damages resulting from the use of the information in this Explanation.

Reprint permission is granted only for educational purposes with appropriate citation to Oast & Hook, P.C.

Oast & Hook also publishes the *Oast & Hook News*, which is archived in searchable format on our web site. If you would like to be added to the distribution list for this newsletter, or if you need additional information concerning this Explanation, you may contact us by writing or calling:

Oast & Hook, P.C.
www.oasthook.com

521 Middle Street Mall
Portsmouth, Virginia 23704
Tel: 757-399-7506
Fax: 757-397-1267

101 East Elizabeth Street
Elizabeth City, North Carolina 27909
Tel: 252-722-2890
Fax: 757-397-1267

295 Bendix Road, Suite 170
Virginia Beach, Virginia 23452
Tel: 757-399-7506
Fax: 757-397-1267