

**For More Information,
Call the Legal Aid In Your Community.**

Legal Hotline open Monday to Friday
9:00am to 11:30am
1:00pm to 3:30pm

Oahu call 536-4302
Maui call 242-0724
Molokai call 553-3251
Lanai call 565-6089
Hilo call 934-0678
Kona call 329-8331
Kauai call 245-7580



**Legal Aid
Society
Of Hawai'i**

Facts About Advance Health Care Directives

(formerly called Living Wills)

Remember:

This brochure is meant to give you general information and not to give you specific advice about your case.

The law often changes. Each case is different.

You should get legal assistance before creating an Advance Health Care Directive.

For more information, call Legal Aid's hotline.

WHAT IS AN ADVANCE HEALTH CARE DIRECTIVE?

An Advance Health Care Directive is a document which tells your doctor what kind of medical treatment you would like in case you become incapacitated and are unable to tell your doctors your wishes. Within the Advance Health Care Directive, you can designate a person to make medical decisions for you while you are incapacitated.

WHAT IS AN ADVANCE HEALTH CARE DIRECTIVE (AHCD)?

An AHCD is a document created by a law that became effective on July 1, 1999. This document takes the place of two documents: Living Will and Durable Power of Attorney for Health Care. Both are now incorporated into this one document.

WHY WOULD I NEED AN AHCD?

You do not need to have an AHCD. It is completely up to you. It is just a precautionary step you can take to have your wishes carried through. You should know, however, that there are significant benefits in having an AHCD.

WHAT DOES AN AHCD DO?

The AHCD does two important things:

- (1) it allows you to give instructions about your future medical care in case you become incapacitated, AND
- (2) it allows you to designate a person (your “agent”) to make your health care decisions for you when you become incapacitated.

The most common use of an AHCD is to express your wish that you not be kept alive with life-sustaining procedures, for example, with a respirator, kidney dialysis, transplants, or tube feeding. However, it can also instruct your doctor to do everything possible to keep you alive.

WHAT DO I DO WITH MY AHCD?

Give a copy to:

- your primary doctor to place in your medical records. If you change your primary doctor, make sure you give a copy to your new doctor.
- the family member who will most likely be called if you are in the hospital
- keep the original in a safe place where a friend or relative can find it if you become seriously ill.

WHAT IS AN “AGENT”? WHAT KIND OF POWER WILL MY “AGENT” HAVE?

Within the AHCD, you can choose someone who will have the power to make medical decisions for you if you become incapacitated. This person becomes your “agent.”

Before July 1, 1999, you were only able to designate an “agent” through a document called a Durable Power of Attorney for Health Care. Now, an agent is designated within the AHCD.

Unless you limit your agent’s power, your agent will be able to make all health care decisions, including decisions about changing your doctor, moving you to another hospital or facility, or refusing life-sustaining procedures.

WHAT IF I DO NOT CHOOSE AN AGENT?

A “surrogate” may be chosen if:

- you didn’t choose an agent in your AHCD, or
- you didn’t choose an agent in a Durable Power of Attorney for Health Care, and
- you do not have a court-appointed guardian.

Even if you did not choose an agent in your AHCD or DPOA for health care, you can designate or disqualify anyone as your surrogate by personally informing your doctor that you want or do not want a specific person to make health care decisions for you.

If you are incapacitated when decisions must be made, a surrogate may also be chosen by a group of individuals (your close family and friends) and will have the power to make medical decision for you.

If you become incapacitated, your doctor will tell “interested persons” (including your close family and friends) that you are incapacitated. The “interested persons” will have the power to choose a “surrogate” among them. If the “interested persons” cannot agree, they must go to court and seek guardianship to be able to make medical decisions for you. The court will have to decide who will be the guardian if more than one person requests to be appointed.