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## Advance Directives

An advance health care directive is a legal document that tells your health care provider and loved ones your wishes about your health care. Here is general information about different advance health care directives, such as durable power of attorney for health care/medical power of attorney, living wills, POLST forms, Do Not Resuscitate orders, and other agreements like these.

- [What Is an Advance Directive?](#)
  - [Types of Advance Directives](#)
  - [Frequently Asked Questions About Advance Directives](#)
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## What Is an Advance Directive?

An advance directive can help you think ahead of time about what kind of care you want.

Advance directives only apply to health care decisions and do not affect financial or money matters. The laws around advance directives are different from state to state. Talk to your health care provider (or your lawyer) about filling out your advance directive when you are still healthy, in case you become too ill or are unable to make medical decisions for yourself in the future.

### **The Patient Self-Determination Act**

The 1990 Patient Self-Determination Act (PSDA) encourages everyone to decide ahead of time about the types and extent of medical care they want to accept or refuse if they become unable to make those decisions due to illness.

The PSDA requires hospitals, skilled nursing facilities, home health agencies, hospice programs, and Health Maintenance Organizations (HMOs):

- To give patients information on their state laws about their rights to make decisions about their care.
- To find out if patients have an advance directive.
- To recognize the advance directive and honor the patient's wishes.
- To never discriminate against patients based on whether they have filled out an advance directive or not.

Health care facilities can't require patients to have advance directives: It is the patient's choice.

### **Learn more**

- [Types of Advance Directives](#)
- [Frequently Asked Questions](#)

### **Creating a plan**

Making a plan can help provide peace of mind for you and your loved ones as you navigate your cancer journey together. Giving Docs is a safe, secure, and free-for-life partner of American Cancer Society where you can access a suite of tools, including creating a free will, advance directive, and other essentials.

### **Hyperlinks**



On this website, you can learn about and buy the Five Wishes advance directive and planning guide, which is available in 26 languages and in Braille.

**American Bar Association – Consumer’s Tool Kit for Health Care Advance Planning**

Website: [https://www.americanbar.org/groups/law\\_aging/resources/health\\_care\\_decision\\_making/](https://www.americanbar.org/groups/law_aging/resources/health_care_decision_making/)

Free online tool kit includes worksheets, tips, guides, and resources to help you think and talk about your values, priorities, the meaning of your life, and your quality of life to help you put into practice your quality of life and



# Types of Advance Directives

The most common types of advance directives are the **living will** and the **durable power of attorney for health care** (sometimes known as the **medical power of attorney**).

There are many advance directive formats. Some follow forms outlined in state laws, others are created by lawyers or even the patients themselves. State laws and courts decide whether these documents are valid. All states and the District of Columbia have laws about advance directives. Be sure to know specific requirements of writing legal advance directives in your state.

- [Before you get started](#)
- [The living will](#)
- [Durable power of attorney for health care/Medical power of attorney](#)
- [POLST \(Physician Orders for Life-Sustaining Treatment\)](#)
- [Do not resuscitate \(DNR\) orders](#)
- [Organ and tissue donation](#)

## Before you get started

Before you create an advance directive, you will want to talk with your health care provider, your loved ones, and at least one person that you may want to choose as your proxy or agent (substitute decision-maker). Tell them about your situation, wishes, and fears, because they are the ones who will help put your wishes into effect if you are unable to do so.

You can usually get advance directive forms from [your state bar association](#)<sup>1</sup>, or from [Caring Con<sup>2</sup>nection](#)<sup>3</sup> (part of the National Hospice and Palliative Care Organization). When you are ready to fill out your advance directive, your health care team might be able to help.

You can also create a free advance directive, along with a will, on [Giving Docs](#)<sup>4</sup>. Giving Docs is a safe, secure, free-for-life partner of American Cancer Society.

## Creating a plan

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## The living will

The living will is a legal document used to state certain future health care decisions only when a person becomes unable to make the decisions and choices on their own. The living will is only used at the end of life if a person is terminally ill (can't be cured) or permanently unconscious. The living will describes the type of medical treatment the person would want or not want to receive in these situations. It can describe under what conditions an attempt to prolong life should be started or stopped. This applies to treatments including, but not limited to dialysis, tube feedings, or actual life support (such as the use of breathing machines).

Before your health care team uses your living will to guide medical decisions, 2 physicians must confirm that you are unable to make your own medical decisions and you are in a medical condition that is specified by your state law as terminal illness or permanent unconsciousness.

There are many things to think about when writing a living will. These include:

- If you want the use of equipment such as dialysis machines (kidney machines) or ventilators (breathing machines) to help keep you alive.
- Do not resuscitate orders (instructions **not** to use CPR if breathing or heartbeat stops).
- If you want fluid or liquid (usually by IV) and/or food (tube feeding into your stomach) if you couldn't eat or drink.
- If you want treatment for pain, nausea, or other symptoms, even if you can't make other decisions (this may be called **comfort care** or **palliative care**).
- If you want to donate your organs or other body tissues after death.

It is important to know that choosing not to have aggressive medical treatment is different from refusing all medical care. A person can still get treatments such as antibiotics, food, pain medicines, or other treatments. It is just that the goal of treatment becomes comfort rather than cure.

You may end or take back a living will at any time.

Living will laws vary from state to state. Be sure to know your specific state laws. If you spend most of your time in more than one state, be sure to speak to your health care provider and review each of the states' laws. Also, check your state so you know if you have to renew your living will, and if so, how often you have to do it.

## Durable power of attorney for health care/Medical power of attorney

A durable power of attorney for health care, also known as a medical power of attorney, is a legal document in which you name a person to be a **proxy** (agent) to make all your health care decisions if you become unable to do so. Before a medical power of attorney can be used to guide medical decisions, a person's physician must certify that the person is unable to make their own medical decisions.

If you become unable to make your own health care decisions, your proxy or agent can speak with your health care team and other caregivers on your behalf and make decisions according to the wishes or directions you gave earlier. If your wishes in a certain situation are not known, your proxy or agent will make a decision based on what they think you would want. If you regain the ability to make your own medical decisions, your proxy (agent) can't continue to make medical decisions on your behalf.

The person you name as a proxy or agent should be someone who knows you well and someone you trust to carry out your wishes. Your proxy or agent should understand how you would make decisions if you were able, and should be comfortable asking questions and advocating to your health care team on your behalf. Be sure to discuss your wishes in detail with that person. You may also choose to name a back-up person in case your first choice becomes unable or unwilling to act on your behalf.

Durable power of attorney laws vary from state to state. Talk to your health care team and check your state laws.

## POLST (Physician Orders for Life-Sustaining Treatment)

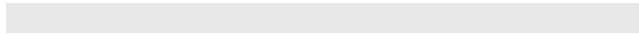
A POLST form also helps describe your wishes for health care, but it is not an advance directive. A POLST form has a set of specific medical orders that a seriously ill person can fill in and ask their health care provider to sign. A POLST form addresses your wishes in an emergency, such as whether to use CPR (cardiopulmonary resuscitation) in an emergency, or whether to go to a hospital in an emergency and be put on a breathing machine if necessary, or stay where you are and be made comfortable.

A POLST form has to be signed by a qualified member of your health care team, such as your doctor. Emergency personnel, like paramedics and EMTs (Emergency Medical Technicians) **can't** use an advance directive, but they **can** use a POLST form. Without a POLST form, emergency personnel are **required** to provide every possible treatment to help keep you alive.

POLST forms are only available in some states. You can find out if your state is

included and learn more at <http://www.polst.org><sup>5</sup>. If you would like to have a POLST form, talk to your health care team about your wishes.

## **Do not resuscitate (DNR) orders**







- [When should I make an advance directive?](#)
- [How will my doctor know that I have an advance directive?](#)
- [Does the doctor have to follow my advance directive?](#)
- [Will my advance directive be used if I am taken to the emergency room?](#)
- [What happens if I don't have an advance directive?](#)
- [Do I need a lawyer to write my advance directive?](#)
- [Where can I get help with my advance directive?](#)
- [Can I have an advance directive in more than one state?](#)
- [Does having an advance directive affect the quality of the health care I receive?](#)
- [Can I have both a living will and a durable power of attorney for health care?](#)
- [Can I change my mind about my advance directive instructions?](#)
- [Is my advance directive valid if I'm at home?](#)

## What are end-of-life decisions?

End-of-life decisions are those you can make now about how you wish to be cared for and treated when you are dying. End-of-life decisions can include whether to accept or refuse treatments that might prolong your life. An advance directive is one way to let others know about your decisions based on your values and priorities. It's important that those close to you fully understand what you want at this time, so it is as easy as possible for them to carry out your wishes. You can read more in [End of Life Care](#)<sup>1</sup>.

## What is a terminal condition?

A terminal condition or illness is one that is life-limiting. In the near future it is expected the illness will result in permanent unconsciousness from which the person is unlikely to recover or death. Examples of terminal conditions may include but are not limited to [advanced cancers](#)<sup>2</sup>, multiple organ failure, or some massive heart attacks and strokes. Definitions of terminal illness can be different from state to state.

## What is life-sustaining treatment?

In most cases, life-sustaining medical treatment is any medical intervention, medication,

- Breathing machines
- Medications such as antibiotics
- Nutrition and hydration (food and liquids) given through feeding tubes or IVs

Comfort measures, which are medicines or procedures used to provide comfort or ease pain, are not usually considered life-sustaining. In some states, tube feedings and IV fluids are considered comfort measures. States have different definitions, so be sure you **know what your state says**.

## **When should I make an advance directive?**

The best time to make an advance directive is before you need one. In other words, before you become too sick to make your own decisions about what medical care you want to get or refuse. See [Making Decisions for Your Advance Directive](#).

## **How will my doctor know that I have an advance directive?**

If you have any type of advance directive, let your health care team know and make sure they have it in their records. You may also tell people close to you that you have it and where it's kept. Give copies of your advance directive to your proxy or agent, family members, and friends who would be contacted if you become seriously ill.

## **Does the doctor have to follow my advance directive?**



[Connection](#)<sup>4</sup>(part of the National Hospice and Palliative Care Organization).

You can also create a free advance directive, along with a will, on [Giving Docs](#)<sup>5</sup>. Giving Docs is a safe, secure, free-for-life partner of American Cancer Society.

### Creating a plan

Making a plan can help provide peace of mind for you and your loved ones as you navigate your cancer journey together. Giving Docs is a safe, secure, and free-for-life partner of American Cancer Society where you can access a suite of tools, including creating a free will, advance directive, and other essentials.

### **Can I have an advance directive in more than one state?**

Most states have their own rules about what's recognized as a valid advance directive. Some states recognize an out-of-state directive if it meets the legal requirements.

unconsciousness. If you have both these documents, it is important to make sure they don't conflict with each other so that there will be no confusion about your wishes if you can't speak for yourself.

## **Can I change my mind about my advance directive instructions?**

Yes, you can change your mind at any time about what's written in your advance directive. You can also revoke it (take it back) at any time. It is recommended that you review your advance directive every so often to make sure your wishes are still the same. For example, if you have a major health change, a major family change like a divorce, if something happens to your health care proxy (agent) or they become unwilling to be your proxy, or if an existing health condition or illness gets worse. If you change or cancel your advance directive, be sure to let your health care team, loved ones, and your health care proxy (agent) know and also replace any advance directive copies you may have given them with the new one. This will help to ensure that there is no confusion if you are unable to make your own decisions.

## **Is my advance directive valid if I'm at home?**

It may be difficult to honor an advance directive in the event of an emergency while at home. EMS (Emergency Medical Service) teams are required to try to revive and prolong life in every way they can. Some states allow EMS teams to not resuscitate patients who may have valid [DNR or POLST](#) forms at home. If DNR or POLST forms are honored in your state, speak with your health care provider about getting these forms filled and signed to reflect your wishes in case of an emergency at home. Your

American Bar Association. *Myths and facts about health care advance directives.*

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## **Making Decisions for Your Advance Directive**

- Learn more about different advance directives such as a living will, durable power of attorney for health care, and/or other advance health care instructions. Understand the meaning of each and the differences.
- Discuss your decisions and wishes with your spouse or partner, family members, close friends, your health care provider, and/or your attorney. Telling those close to you about your end-of-life decisions will help ensure that your wishes are carried out.
- Decide who you want as your health care proxy or agent (decision-maker in case you are unable to make your own decisions). This is an important decision to make. Carefully choose someone you believe will be able to carry out your wishes even if it may mean ending life-sustaining treatments. Talk with the person to be sure they're OK with doing this for you and that they understand your wishes. You may also choose to name a back-up person in case your first choice becomes unable or unwilling to act on your behalf.
- If you have a health care proxy or agent (durable power of attorney for health care), give them a copy of your advance directive to keep in a safe place where it can be found quickly if needed. You may also give copies to loved ones who are likely to be nearby. Be sure your loved ones know who your health care proxy or agent is.

cardiopulmonary resuscitation), breathing machines  
close friends, G3 on your behalf.



and their important responsibility. If your wishes change, be sure to talk this over with your proxy, your loved ones, and your health care team and update your advance directive.

## Hyperlinks

1. [www.usacpr.net](http://www.usacpr.net)

## References

American Society of Clinical Oncology. Putting your health care wishes in writing. Accessed at cancer.net. Content is no longer available.

National Hospice and Palliative Care Organization (NHPCO). *Advance directives*.

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