

HEALTHCARE ADVANCE DIRECTIVES

- **Living Will**
- **Designating a Healthcare Surrogate**



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It is not intended to be relied upon as legal advice. Should you have any questions please contact your attorney.*

Healthcare Advance Directives

Living Will and Designation of Healthcare Surrogate

Most people are aware that modern medicine can often keep a person alive even in situations where there is little or no hope of recovery. In these situations, medical treatments often serve only to prolong the process of dying. As a result, many people wish to avoid such life-prolonging treatments and instead choose treatments aimed at maximizing their comfort and quality of life.

Unfortunately, many people lose their mental abilities without having talked with their doctors about their wishes for treatment at the end of life. This forces doctors and family members to grapple with difficult treatment issues, and make decisions that may not accurately reflect what the incapacitated person might have wanted for him or herself. The best way to avoid these problems is to make your wishes known in advance. The law gives you the right to do this, should you choose to.

It is the policy of this hospital, in accordance with state and federal law, to recognize your right to make your treatment wishes known in advance. This can be done in two ways:

- One way is by writing your wishes to forgo life-prolonging procedures in a document called a [Living Will](#). Your doctor will rely on the instructions in your Living Will only when your medical condition is considered terminal and you can no longer speak for yourself (either verbally or through non-verbal gestures or writing).
- A second way is to make your wishes known to someone else (usually a family member or a close friend), and give that person the legal authority to work with your doctor in carrying out your decisions. The person you appoint to help with treatment decisions is called a [Healthcare Surrogate](#).

Once you have completed a Living Will and/or a form designating a Healthcare Surrogate, you should give copies to your doctor(s) and other people who may become involved in your treatment decisions. You should also give copies to your appointed Surrogate.

Since your physician will be the one who carries out your wishes, you need to ensure that your physician understands them. Making your wishes clear to everyone involved in your treatment decisions is the key to making sure they are carried out. Please be aware that in the absence of an Advance Directive or other valid order, should any patient become irreversibly incapacitated, all appropriate actions will be taken to preserve life.

Questions & Answers

WHAT IS A LIVING WILL?

A Living Will is a written personal statement made by you that lets others know your wishes for medical care at the end of life. You must be 18 years of age and of sound mind to complete a Living Will. Most Living Wills instruct doctors to forgo treatments called “life-prolonging procedures.” These can be any treatments that only serve to prolong the process of dying. Common examples include: mechanical ventilation, cardiopulmonary resuscitation, intensive care, dialysis, and artificial nutrition and hydration.

A Living Will can be honored only when your situation meets the following two conditions: 1) you no longer have the ability to make your own decisions, and have no reasonable probability of regaining that ability, and 2) you are in an end-stage medical condition, a terminal condition, or in a persistent vegetative state.

Under Florida law, you have the right to make a Living Will. You do not need an attorney or a notary to do this with you. All you need is your signed Living Will document and the signatures of two witnesses (one witness must not be a spouse or a blood relative). This document remains valid unless you revoke it or make a new one to take its place.

WHAT IS A HEALTHCARE SURROGATE?

A Healthcare Surrogate is a person you appoint to make healthcare decisions for you when you are no longer able to do so. Your Surrogate (usually a family member or close friend) should be someone who knows your wishes and who will make decisions based on what he or she believes you would want.

The Surrogate appointment document requires witnesses just like the Living Will, but your Surrogate cannot sign as a witness

Some people choose to appoint a Healthcare Surrogate even if they have already filed out a Living Will. They do this because it is difficult for a Living Will to include instructions that anticipate every possible medical situation. It is also important to know that your Surrogate will be bound to any instructions in your Living Will. For example, if you state in your Living Will that you do not want tube feeding, your Surrogate cannot override this decision.

ARE LIVING WILLS AND HEALTHCARE SURROGATES JUST FOR SENIOR CITIZENS?

No. A severe illness or serious accident can happen to a person at any age. If you have strong beliefs about the choices you would make in such a situation, regardless of your age, a Living Will and a Healthcare Surrogate are important ways to express your wishes to your doctor, family and close friends. However, parents of children under the age of 18 will usually be responsible for healthcare decisions for their children.

MAY I CHANGE MY LIVING WILL OR NAME A DIFFERENT HEALTHCARE SURROGATE?

Yes, you may do so at any time. If you do make changes to your Living Will or appoint a new Surrogate, be sure to destroy all of the outdated copies and provide copies of the updated information to your doctor, family members, and others whom you think need to know your wishes.

WILL MY LIVING WILL OR MY SURROGATE’S DECISIONS BE HONORED IN AN EMERGENCY?

In some cases it is possible to honor end-of-life decisions in an emergency situation. Florida also allows a person to carry a portable Do-Not-Resuscitate Order with them that can be honored by emergency healthcare personnel. However, in many cases it is not possible to determine the chances of survival in an emergency situation or to determine the outlook for recovery. In these instances, advance decisions to forgo life-prolonging procedures can be honored only after the initial emergency has passed and the prognosis for recovery is known.

