

Advance Health Care Directive (AHCD) Frequently Asked Questions

This does not take the place of one-on-one counseling with a trained volunteer. These are some of the most common questions people ask about Advance Health Care Directives.

Why should I write an AHCD?

Serious injury, illness or mental incapacity may make it impossible for you to make health care decisions for yourself. A clearly written AHCD is a gift to those close to you because it can prevent disagreements and reduce some of the burden of decision making at a time when family and friends are already emotionally taxed.

Do I need an AHCD if I already have a Durable Power of Attorney for Health Care (DPAHC) or a “Living Will”?

Most likely you do. AHCDs have replaced both “Living Wills” (a document that gives health care instructions) and DPAHCs (a document naming agent(s) to make health care decisions) in California. Before 1992 the DPAHC document was only valid for seven years. If you made a valid DPAHC after 1992, it is still valid.

Do I need a Physician’s Orders for Life-Sustaining Treatment (POLST) if I have an AHCD?

POLST is not the same form as an AHCD. POLST was a new form introduced in 2009 and it can only be completed by a doctor.

An AHCD is a form you complete yourself and it is an important document for most people to have. To decide if you also need a POLST, talk to your doctor.

Do I have to name an agent AND also give medical instructions in my AHCD?

No. You may just choose to have your AHCD name an agent or you can just state what treatments you want or don’t want and under what circumstances. You can also write the AHCD so that it does both – name an agent AND give directions about medical treatment.

Why would I need an agent if I write in detailed instructions about what treatments I want and don’t want?

You aren’t required to name an agent. However, in the time between when you write your AHCD and when it might be used, there may be medical conditions that occur or treatments suggested you may not have considered. Having an agent allows him or her to participate in discussions with your doctor to make treatment decisions for you based on your wishes and best interests.

If I do appoint an agent, whom should I trust with this responsibility?

The person you choose will have the legal right to consent, refuse to consent or withdraw consent for any medical treatment on your behalf. Consider someone who knows and will respect your values, someone whose judgment you trust. The person should be reasonably available, willing to accept this responsibility and be able to work well with your doctor and family members. This might be a member of your family or a close friend, a religious leader or a trusted health care provider – but not your attending physician. Your attending physician cannot be your agent.

When does my agent’s authority take effect?

When your primary physician determines you have lost the ability to understand choices, weigh alternatives and make a rational health care decision OR when you specifically ask to have the agent take over the decision making because you do not want to make your own decisions for whatever reason.

What happens if I regain the ability to make my own decisions?

You then start making your own decisions again. Your AHCD is only in effect as long as you are not able to make your own decisions.

Do I need to have my AHCD notarized?

No. You only need to have the AHCD signed by two qualified adult witnesses who are present when you sign or acknowledge they know your signature. Please note there are special rules for skilled nursing facility residents.

Do I need to have a lawyer help me fill out an AHCD?

No. If you want help in filling out the form, there are many resources online and several health care facilities offer free counseling.

Should I discuss my health care wishes with my doctor and others?

Yes. Your agent must understand your values, wishes and beliefs since he/she will be the person speaking for you if you cannot speak for yourself. It is very important to let everyone in your family know your wishes to avoid conflict and family tension. Everyone needs to understand the agent is making decisions based on your wishes, even when their own values and beliefs may be different. Your agent may invite other family members to consult or be part of the discussions with your doctor, but only your agent has the legal authority to make decisions.

Are there particular treatments I should specifically mention in my AHCD?

There are no requirements, but there are two specific kinds of life-sustaining measures you might want to address: artificially provided fluids and nutrition and cardiopulmonary resuscitation (CPR). Being clear about these two treatments can avoid uncertainty, disagreements or confusion about your wishes.

Can I use my AHCD to make an organ donation upon my death?

Yes. See Part 3 on your AHCD form.

I live in different states for parts of the year. Is my AHCD valid everywhere?

Likely, but it is not guaranteed. If you have a residence in more than one state, you might consider making duplicate documents for each state. Check with both states for the appropriate forms. You'll want to date both forms with the same date.

Does the AHCD instruction "do not resuscitate" (do not attempt CPR) apply in an emergency?

No. If paramedics found you with your heart or breathing stopped, they will attempt CPR unless you are wearing an authentic MedicAlert bracelet or medallion indicating you and a physician have signed a pre-hospital – Do Not Resuscitate – (DNR) form. This is a separate form (not part of the AHCD). You may also choose to have a copy of the pre-hospital DNR form in a Vial of Life* bottle in your refrigerator. You would need to make sure you have the Vial of Life sticker placed on the outside of your refrigerator so emergency responders would know to look for the Vial.

*Available from many hospitals and some city government agencies.

Can I make changes in my AHCD?

Yes. It can be updated or modified in whole or part at any time as long as you have capacity. It is a good idea to review your directive on a regular basis. Make sure you notify those concerned of any important changes you make and send a currently dated, modified copy to your doctor, agent(s) and other contacts, letting them know this is a new version. Make sure the changes are witnessed or notarized.

What if I need to change the addresses and/or phone numbers of my agents? Do I need to do the whole thing over again?

No, you don't have to do it all over again. You cannot make "substantive" changes without damaging the document, but you can use post-its to change addresses and phone numbers, or squeeze the new addresses in. You might want to initial and date the changes.

How long is my AHCD valid?

It lasts indefinitely unless you revoke it.

Am I required to have an AHCD?

No. No one can deny you treatment because you have not done one.