

WHAT YOU SHOULD KNOW ABOUT ADVANCE DIRECTIVES

As a VA patient you have a say in the health care you receive. When you are ill, your doctor should explain what treatments there are for your illness so that you can decide which one is best for you. But if you were too ill to understand your treatment choices or to tell your doctor what treatment you want:

Who would you want to make decisions for you?

What type of health care would you want?

What health care wouldn't you want?

Questions like these may be hard to think about, but they're important. That's why VA wants you to know about a legal form you can complete. It's called an advance directive.

What is an advance directive?

An advance directive is a legal form that helps your doctors and family members understand your wishes about medical and mental health care. It can help them decide about treatments if you are too ill to decide for yourself. For example, if you are unconscious or too weak to talk. There are two types of advance directives: durable power of attorney for health care and living will.

What is a durable power of attorney for health care?

This form lets you name the person you trust to make health care decisions for you if you can't make them yourself—your “health care agent.” He or she will have the legal right to make health care decisions for you. You can choose any adult to be your agent. It's best to choose someone you trust, who knows you well and who knows your values. You should make sure the person is willing to serve as your agent. If you don't choose an agent, your doctor will choose someone to make decisions for you in the following order: legal guardian (if you have one), spouse, adult child, parent, sibling, grandparent, grandchild, or a close friend. Your health care team, or a court, will make decisions for you in accordance with VA policy if none of the above is available.

What is a living will?

A living will is a legal form that states what kinds of treatments you would or wouldn't want if you become ill and can't decide for yourself. It can help your health care agent and your doctor make decisions the way you want them to. Writing down what kind of treatment you would or wouldn't want can help make it easier for those who are asked to make decisions for you. Talk with your family, your health care agent, and your doctor about your wishes so they won't have to wonder what you want and if they're doing the right thing. If you don't have a living will, decisions will be made for you based on what is known about you in general and about your values. That's why it's important to discuss your wishes with your loved ones, your doctors, and your health care team.

Must my health care agent always follow my living will?

Most of the time, yes. Your health care agent should try to respect your wishes. But it can be hard to imagine future health and say just what treatment you would want at that time, so sometimes your agent may have to interpret your wishes. In a VA advance directive, you can say if you want your agent to do just what your living will says, or if they may make the decision they think is best for you at that time, even if it isn't what you said you would want.

Should I have an advance directive?

Yes, it's a good idea to have one. An advance directive helps protect your right to make your own choices. It helps make sure people respect your values and wishes if you can't speak for yourself. *Your advance directive is used only when you aren't able to make decisions yourself.*

How do I complete an advance directive?

Fill out VA Form 10-0137, "VA Advance Directive: Durable Power of Attorney and Living Will." Or use any valid state advance directive form. Talk to a health care professional at your local VA health care facility. This might be a social worker or your primary care doctor. Or talk to your spiritual advisor or attorney. Your VA health care team can make your advance directive part of your medical record.

Do I need to fill out a durable power of attorney *and* a living will?

No. Even though the VA form contains both, it's up to you whether you complete the durable power of attorney for health care, the living will, or both.

Can I change my advance directive?

Yes, you may change or cancel your advance directive at any time. In fact, you should review your advance directive periodically, especially if there is a change in your health, to make sure it's up to date. If you change it, be sure to tell your health care team and have them put it in your health record. Share your new directive with your family members and other loved ones.