



# Questions and Answers About Health Care Directives

## Minnesota law...

Minnesota law allows you to inform others of your health care wishes. You have the right to state your wishes or appoint an agent in writing so that others will know what you want if you can't tell them because of illness or injury. The information that follows tells about health care directives and how to prepare them. It does not give every detail of the law.

## What is a health care directive?

A health care directive is a written document that informs others of your wishes about your health care. It allows you to name a person ("agent") to decide for you, if you are unable to decide for yourself. It also allows you to name an agent if you want someone else to decide for you. You must be at least 18-years-old to make a health care directive.

## Why should I have a health care directive?

A health care directive is important if your attending physician determines you can't communicate your health care choices (because of physical or mental incapacity). It is also important if you wish to have someone else make your health care decisions. In some circumstances, your directives may state that you want someone other than an attending physician to decide when you cannot make your own decisions.

## Must I have a health care directive? What will happen if I don't have one?

You don't have to have a health care directive. But, writing one helps to make sure your wishes will be followed.

You will still receive medical treatment, if you don't have a written directive. Health care providers will listen to what people close to you say about your preference for treatment, but the best way to be sure that your wishes will be followed is to have a health care directive.

## How do I make a health care directive?

There are forms available to help you make your health care directives. You don't have to use a form, but your health care directives must meet the following requirements to be legal:

- Must be in writing and dated
- Must state your name.
- Must be signed by you or someone you authorize to sign for you, when you can understand and communicate your wishes for your health care.
- Must include the appointment of an agent to make health care decisions for you and/or instructions about the health care choices you wish to make.

Before you prepare or revise your directive, you should discuss your wishes for your health care with your doctor or other health care provider.

Information about how to obtain forms for preparation of your health care directive can be found in the Resource Section of this document.

## **I prepared my directives in another state. Is it good here?**

Health care directives prepared in other states are legal, if they meet the requirements of the other state's laws or the Minnesota requirements. But requests for assisted suicide will not be followed.

## **What can I include in a health care directive?**

You have many choices of what to put in your health care directive. For example, you may include:

- the person you trust as your agent to make health care decisions for you. (You can name alternative agents in case the first agent is unavailable, or joint agents.)
- your goals, values, and preferences about your health care
- the types of medical treatment you would want (or not want)
- how you want your agent or agents to decide about your health care
- where you want to receive care
- instructions about the provision of artificial nutrition and hydration
- mental health treatments that use electroshock therapy or neuroleptic medications
- specific instructions, if you are pregnant
- donation of your organs, tissues, and eyes
- funeral arrangements
- whom you would like as your guardian or conservator, if there is a court action

You may be as specific or as general as you wish. You can choose which issues or treatments to deal with in your health care directive.

## **Are there any limits to what I can put in my health care directive?**

There are some limits about what you can put in your health care directive. For instance:

- Your agent must be at least 18 years of age.
- Your agent cannot be your health care provider, unless the health care provider is a family member or you give reasons for the naming of the agent in your directive.
- You cannot request health care treatment that is outside of reasonable medical practice
- You cannot request assisted suicide.

## **How long does a health care directive last? Can I change it?**

Your health care directive lasts until you change or cancel it. As long as the changes meet the health care directive requirements listed above, you may cancel your directive by any of the following:

- By preparing written statement saying you want to cancel it.
- By destroying it.
- By telling at least two other people that you want to cancel it.
- By writing a new health care directive.

## **What if my health care provider refuses to follow my health care directive?**

Your health care provider will generally follow your health care directives, or any instructions from your agent, as long as the health care you specify follows reasonable medical practice. But, you or your agent cannot request treatment that will not help you or which the provider cannot provide. If the health care provider cannot follow your agent's directions about life-sustaining treatment, the provider must inform the agent. The health care provider must also document the notice in your medical record. The health care provider must allow the agency to arrange to transfer you to another provider who will follow the agent's directions.

**What if I've already prepared a health care document? Is it still good?**

Prior to August 1, 1998, Minnesota law provided for several other types of directives, including living wills, durable health care powers of attorney, and mental health declarations.

The law was changed so people can use one form for all their health care instructions.

Forms created before August 1, 1998, are still legal if they followed the law in effect when they were written. They are also legal if they meet the requirements of the new law (described previously in this document). You may want to review any of your existing documents to make sure they say what you want and meet all requirements of the law.

**What should I do with my health care directive after I have signed it?**

You should inform others of your health care directive and give people copies of it. You may wish to inform your family members, your health care agent or agents, and your health care providers that you have a health care directive. You should give them each a copy. It's a good idea to review and update your directive as your needs change. Keep it in a safe place where it can be easily found.

**How can I obtain additional information?**

If you want more information about health care directives, please contact your health care provider, your attorney, or:

The Minnesota Board on Aging's Senior LinkAge Line®  
1-800-333-2433

A suggested health care directive form is available on the internet at:

<http://www.mnaging.org>

**If I want to create a health care directive now, whom should I contact?**

If you want help creating your health care directive now, please call one of the Hospital's social workers, Ext. 1147. A social worker will help you create your health care directive and will also make copies for your doctor and members of your family.