

YOUR RIGHT TO MAKE DECISIONS ABOUT YOUR HEALTH CARE: INFORMATION FOR INDIVIDUALS AND THEIR FAMILIES

YOU HAVE THE RIGHTS TO MAKE HEALTH CARE DECISIONS THAT AFFECT YOU

You have the right to make all decisions about the health care you receive. If you do not want certain treatments, you can tell your doctor, either in person or in writing, that you do not want them.

Most individuals can express their wishes to their doctor, but some who are badly injured, unconscious, or very ill cannot. People need to know your wishes about health care in case you become unable to speak effectively for yourself.

You can express your wishes in an Advance Directive which is either a Health Care Power of Attorney or a Living Will. These are both written documents. In a Living Will you tell your doctor that you do not want to receive certain treatment, In a Health Care Power of Attorney you name a representative who will tell the doctor what treatment should or should not be provided.

The decision to sign a Health Care Power of Attorney or Living Will is very personal and very important. This handout answers some frequently asked questions about Health Care Power of Attorneys and Living Wills.

These documents will be followed only if you are unable, due to illness or injury, to make decisions for yourself. If you do not have a Living Will or Health Care Power of Attorney that tells what you want done, you do not know what decisions will be made or who will make them. Decisions made by someone else such as certain relatives designated by South Carolina law, by a person appointed by the court, or by the court itself.

If you have questions about signing a Health Care Power of Attorney or Living Will, you should talk to your family, doctor, your minister, priest, rabbi, or other religious counselor or your attorney.

ARE THERE FORMS FOR LIVING WILLS AND HEALTH CARE POWER OF ATTORNEYS IN SOUTH CAROLINA?

Yes. The South Carolina legislature has approved forms for both a Living Will and a Health Care Power of Attorney. The Living Will that the legislature approved is called a "Declaration of a Desire for a Natural Death".

You may obtain more information from these contacts:

- The Lieutenant Governor's Office on Aging at 1-800-868-9095 or www.aging.sc.gov
- Governor's Office, Ombudsman Division (803) 734-5049 or <http://ombudsman.sc.gov/index.html>
- ABLE SC at 1-800-681-6805 or www.able-sc.org
- [TennCare-Division of HealthCare Finance & Administration](#) provides general educational information about living wills.

HOW ARE A HEALTH CARE POWER OR ATTORNEY AND A LIVING WILL DIFFERENT?

- The representative named in a Health Care Power of Attorney form can make all decisions about your health care that need to be made. On a Health Care Power of Attorney form you can say what treatments you do want as well as what you do not want. With a Health Care Power of Attorney form, the representative can make decisions when the need arises, and will know what the circumstances are.
- A Living Will affects life support only in certain circumstances. A Living Will only tells the doctor what to do if you are permanently unconscious or if you are terminally ill and close to death. “Permanently unconscious” means that you are in a persistent vegetative state in which your body functions but your mind does not.
 - A Living Will can only say what treatment you don’t want.
 - With a Living Will you must decide what should be done in the future, without knowing what the circumstances will be when the decision is put into effect.

WHICH DOCUMENT SHOULD I SIGN IF I WANT TO BE TREATED WITH ALL AVAILABLE LIFE-SUSTAINING PROCEDURES?

You should sign a Health Care Power of Attorney, and not a Living Will. The South Carolina Health Care Power of Attorney form allows you to say either that you do or that you do not want life-sustaining treatment. A Living Will only allows you to say that you do not want life- sustaining procedures.

HOW IS A HEALTH CARE POWER OF ATTORNEY DIFFERENT FROM A DURABLE POWER OF ATTORNEY?

A Health Care Power of Attorney is a specific type of Durable Power of Attorney that names a representative only to make health care decisions. A Durable Power of Attorney may or may not allow the representative to make health care decisions. It depends on what the document says. The representative may only be able to make decisions about property and financial matters.

There are certain people who cannot witness your Living Will. The Living Will forms say who cannot be a witness. You should reach the Living Will form carefully to be sure your witnesses are qualified.

WHOM SHOULD I APPOINT AS MY REPRESENTATIVE? WHAT IF MY REPRESENTATIVE CANNOT SERVE?

You should appoint a person you trust and who knows how you feel about health care. You also should name at least one alternative, who will make decisions if you representative is unable or unwilling to make these decisions. You should talk to the people you choose as your representative and alternate representatives to be sure they are willing to serve. Also, they should know how you feel about health care.

WHAT IF I CHANGE MY MIND AFTER I HAVE SIGNED A LIVING WILL OR HEALTH CARE POWER OF ATTORNEY?

You have the right to revoke a Living Will or Health Care Power of Attorney and terminate your agent’s authority, by informing either your agent or your health care provider orally or in writing.