

Q. What is an Advance Health Care Directive?

- A. *An Advance Health Care Directive is a legally-binding living will that enables individuals to express their wishes about health-care decisions, appoint a proxy to make such decisions on their behalf, or both.*

It is intended to alleviate uncertainty and anxiety on the part of patients by assuring them that their wishes will be respected.

It can also alleviate uncertainty and anxiety for families and caregivers by guiding them with the wishes of the patient when called on to make health-care decisions.

Q. Who can make an Advance Health Care Directive?

- A. *A person who has the capacity to make decisions may make an Advance Health Care Directive. This means that the person is able to understand the information that is relevant to making the decision and able to appreciate the reasonably foreseeable consequences of the decision or the lack of decision.*

Q. How can I make my Advance Health Care Directive?

- A. *The Department of Health has developed a form for your convenience. It serves as a guide for providing the appropriate information. However, any paper that is signed, dated and witnessed and provides the same information may be used. A witness must be at least 19 years old and cannot be your spouse, one of your proxies (if you have appointed any) or the spouse of a proxy.*

It is recommended to talk to your doctor before completing your directive. This will ensure your instructions are clear and easily understood by those who provide treatment. You can also discuss your directive with your family if you feel it is appropriate to do so.

Your Advance Health Care Directive can contain the appointment of one or more proxies, specific directions or general statements of values and beliefs.

Q. Do I need a lawyer?

- A. *No. You do not need a lawyer to approve or certify this document.*

Q. What is a proxy?

- A. *A proxy is a person appointed in an Advance Health Care Directive to make decisions on behalf of the maker. A proxy must be mentally competent and at least 19 years old.*

Q. Do I have to appoint a proxy?

- A. *No. If you choose, you can only write down instructions for people to follow when they provide you with health-care services if you become incapable of making decisions on your own. If these instructions are clear and specific to the decision to be made, they must be followed. You can also write down information about your values, beliefs and wishes to guide persons who will be providing you with health-care services.*

Q. Who should I choose to be my proxy?

- A. *The person you choose to represent you should be close to you and willing to accept this responsibility. It is wise to name more than one in case one is not available when needed. You should discuss your wishes openly and in detail with them. It is important to make sure that your proxy understands what is expected and is willing to speak and act for you.*

Q. What should I do after I make my Advance Health Care Directive?

- A. *Your Advance Health Care Directive is complete when you have signed it in the presence of a witness. You should make sure that the people who need to know about your wishes get a copy. This should include your proxy, loved ones and physician.*

Q. How do I change or cancel my Advance Health Care Directive?

- A. *If at any time you wish to change the content or the proxy or proxies you have listed, all copies of your old directive should be destroyed and a new directive written. It is important to be sure that your family, your friends, your doctor and your proxy or proxies know about your new directive and know where to find it. You should give a copy to your doctor; otherwise, it may not be available when needed.*

Q. What is the difference between an Advance Care Directive and a Power of Attorney for personal care?

- A. *The Infirm Persons Act allows an individual to appoint someone to make personal care decisions on his or her behalf through a Power of Attorney – a process that is similar to appointing a proxy under the Advance Health Care Directives Act. However, an Advance Health Care Directive differs from a Power of Attorney in two ways:*
- It does not need to be made under seal (as a Power of Attorney for personal care must). Therefore, an Advance Health Care Directive is more accessible than a Power of Attorney for persons who do not wish to hire a lawyer.*
 - An Advance Health Care Directive can give general or specific directions to be followed by health-care providers but does not have to include the appointment of a proxy.*

In addition, the Advance Health Care Directives Act incorporates specific provisions relating to the handling of an Advance Health Care Directive by health-care providers and legal protection for health-care providers and proxies.