



PREVENTIVE LAW SERIES
**ADVANCE MEDICAL
DIRECTIVES**



Prepared by:
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WHAT ARE ADVANCE MEDICAL DIRECTIVES?

Advance Medical Directives are legal documents that permit you to make future health care decisions and to appoint another person to make health care decisions for you if you are unable to do so (i.e. if you are incapacitated, in a coma, etc.). Two types of Advance Medical Directives are Living Wills and Health Care Powers of Attorney. The decisions you make in these documents only “spring” into effect in the event that you become incapacitated and cannot make health care decisions for yourself. When you are again able to make your own decisions the documents go to “sleep” until next needed.

WHAT IS A LIVING WILL?

A Living Will is a legal document that declares your desire for a natural death. The document expresses your desires concerning the withholding or withdrawal of medical treatment in the event of an incurable or irreversible condition that will cause death within a relatively short time. The document can also allow you to set forth your wishes concerning organ donation. The document is only effective when you are no longer able to make your own decisions or when you are no longer able to express your wishes regarding your own medical treatment. A Living Will can never override your conscious decision to seek additional medical treatment and you may revoke your Living Will at any time. If you execute a Living Will, the wishes expressed in it will control the actions of the agent listed in your Health Care Power of Attorney (see below.)

WHAT IS A HEALTH CARE POWER OF ATTORNEY?

A Health Care Power of Attorney is a legal document that appoints another person to make health care decisions for you if you are unable to do so for yourself. The Health Care Power of Attorney can also include special instructions that set forth your special wishes regarding the types of medical treatments you wish to receive. Additionally, a Health Care Power of Attorney allows you to set forth your wishes concerning organ donation. A Health Care Power of Attorney differs from a Living Will in that a Health Care Power of Attorney gives someone else the authority to make decisions for your care if you are incapacitated while a Living Will is a specific instruction to health care providers about what kind of medical treatments to give or withhold if you are totally unable to communicate because you are incapacitated.

LEGAL ASSISTANCE SERVICES

A legal assistance attorney is available by appointment Monday through Thursday from 0800 - 1030 and 1300 - 1500, and Friday from 0900 - 1100. Powers of attorney and notaries are available Monday through Friday at the same times. For more information, please contact the Legal Assistance Office, located in Building 56, 32nd Street Naval Station, San Diego, CA, by telephone at (619) 556-2211, or our office at Naval Air Station North Island – Coronado, Building 318 – Second Deck, above the Fleet and Family Support Center, Saufley Road, by telephone at (619) 545-6437.

RESOURCES

San Diego County Bar Association Lawyer Referral and Information Service: (619) 231-8585;
www.sdcb.org/index.cfm?pg=MainLRIS

Advanced Health Care Directive, Cal. Prob. Code §§ 4670–4678 (2013)