



Your Rights to Make Decisions about Medical Treatment

This document explains your rights to make health care decisions and how you can plan what should be done when you can't speak for yourself.

A federal law requires us to give you this information. We hope this information will help increase your control over your medical treatment.

Who decides about my treatment?

Your doctors will give you information and advice about treatment. You have the right to choose. You can say "Yes" to treatments you want. You can say "No" to any treatment you don't want – even if the treatment might keep you alive longer.

How do I know what I want?

Your doctor must tell you about your medical conditions and about what different treatment can do for you. Many treatments have "side effects." Your doctor must offer you information about serious problems that medical treatment is likely to cause you.

Often more than one treatment might help you – and people have different ideas about which is best. Your doctor can tell you which treatments are available to you, but your doctor can't choose for you. That choice depends on what is important to you.

What if I'm too sick to decide?

If you can't make treatment decisions, your doctor will ask your closest available relative or friend to help decide what is best for you. Most of the time, that works. But sometimes everyone doesn't agree about what to do. That's why it is helpful if you say in advance what you want to happen if you can't speak for yourself. There are several kinds of "advance directive" that you can use to say what you want and who you want to speak for you.

One kind of advance directive under California law lets you name someone to make health care decisions what you can't. This form is called a Durable Power of Attorney for Health Care.

Who can fill out this form?

You can if you are 18 years or older and of sound mind. You do not need a lawyer to fill it out.

What can I name to make medical treatment decisions when I'm unable to do so?

You can choose an adult relative or friend you trust as your "agent" to speak for you when you're too sick to make your own decisions.

How does this person know what I want?

After you choose someone, talk to that person about what you want. You can also write down in the Durable Power of Attorney for Health Care when you would or wouldn't want medical treatment. Talk to your doctor about what you want and give your doctor a copy of the form. Give another copy to the person named as your agent. And take a copy with you when you go into the hospital or other treatment facility.

Sometimes treatment decisions are hard to make and it truly helps your family and your doctor if they know what you want. The Durable Power of Attorney for Health Care also gives them legal protection when they follow your wishes.

What if I don't have anybody to make decisions for me?

You can use another kind of advance directive to write down your wishes about treatment. This is often called a "living will" because it takes effect while you are still alive but have become unable to speak for yourself. The California Natural Death Act lets you sign a living will call a Declaration. Anyone 18 years or older and of sound mind can sign one.

When you sign a Declaration it tells your doctors that you don't want any treatment that would only prolong your dying. All life-sustaining treatment would be stopped if you were terminally ill and your death was expected soon, or if you were permanently unconscious. You would still receive treatment to keep you comfortable, however.

The doctors must follow your wishes about limiting treatment or turn your care over to another doctor who will. Your doctors are also legally protected when they follow your wishes.

Are there other living wills I can use?

Instead of using the Declaration in the Natural Death Act, you can use any of the available living will forms. You can use a Durable Power of Attorney for Health Care form without name in an agent. Or you can just write down your wishes on a piece of paper. Your doctors and family can use what you write in deciding about your treatment. But living wills that don't meet the requirements of the Natural Death Act don't give as much legal protection for your doctors if a disagreement arises about following your wishes.

What if I change my mind?

You can change or revoke any of these documents at any time as long as you can communicate your wishes.

Do I have to fill out one of these forms?

No, you don't have to fill out any of these forms if you don't want to. You can just talk with your doctors and ask them to write down what you've said in your medical chart. And you can talk with your family. But people will be more clear about your treatment wishes if you write them down. And your wishes are more likely to be followed if you write them down.

Will I still be treated if I don't want to fill out these forms?

Absolutely. You will still get medical treatment. We just want you to know that, if you become too sick to make decisions, someone else will have to make them for you.

Remember that:

A Durable Power of Attorney for Health Care lets you name someone to make treatment decisions for you. That person can make most medical decisions – not just to those about life-sustaining treatment – when you can't speak for yourself. Besides naming an agent, you can also use the form to say when you would and wouldn't want particular kinds of treatment.

If you don't have someone you want to name to make decisions when you can't you can sign a Natural Death Act Declaration. This Declaration says that you do not want life prolonging treatment if you are terminally ill or permanently unconscious.

How can I get more information about advance directive?

Ask your doctor, nurse, or social worker to get more information for you.