



# Advance Healthcare Directives

In Delaware, if you are at least 18 years old, you may make a written “Advance Health Care Directive” to accept or refuse most health care treatments or procedures. Your Advance Health Care Directive will tell your doctor what you want if you become unable to decide yourself.

## WHAT IS AN ADVANCE HEALTH CARE DIRECTIVE?

Under Delaware law there are two types of Advance Health Care Directives:

- 1) Instruction for Health Care Decisions (Living Will)
- 2) A Power of Attorney for Health Care

An Instruction for Health Care Decisions, previously referred to as a living will, is a written statement of your wishes about healthcare treatment. It includes your wishes for treatment when you are terminally ill, permanently unconscious, or suffer from serious illness or frailty.

A Power of Attorney for Health Care allows you to name another person as an agent to make healthcare decisions for you if your medical condition makes you unable to do so. You can appoint any adult over the age of 18 to be your agent. However, if you are a resident of a long-term care facility, the agent cannot be an employee of the facility unless he/she is related to you.

If you want to initiate an Advance Health Care Directive, you must do so while you are still capable and competent to make healthcare decisions. Two witnesses who are at least 18 years old must watch you sign the Advance Health Care Directive. You must choose witnesses who are not members of your family, will not inherit anything from you when you die, and do not have to pay for your care. If you are in a hospital, nursing home, or similar facility when you sign your written instruction, you must choose witnesses who are not employees of the facility. In addition, if you are in a nursing home or similar facility, one of the witnesses must be a Long-Term Care Ombudsman or the Public Guardian. If you do not have an Advance Health Care Directive and you are unable to make decisions, a member of your family will be asked to make healthcare choices for you.

## 10 “NEED TO KNOWS”

- 1 Anyone over the age of 18 with capacity can prepare a healthcare directive.
- 2 It puts decisions on future medical care in writing.
- 3 It does not need to be completed with a lawyer.
- 4 A person will be able to change their own Advanced Healthcare Directive at any time—verbally or in writing.
- 5 You can nominate people (medical power of attorney) who will be legally recognized as acting on your behalf in a time when you lose capacity.
- 6 An Advanced Healthcare Directive is only used when you have lost capacity and can no longer make decisions for yourself.
- 7 Having an Advanced Healthcare Directive helps healthcare professionals care for you the way you want.
- 8 Having an Advanced Healthcare Directive helps families as it removes doubt about what care their loved one wants.
- 9 A valid Advanced Healthcare Directive cannot be overridden by your family or healthcare provider. Healthcare providers are legally bound to follow your directed medical care.
- 10 If you have questions or need assistance completing an Advance Healthcare Directive, please contact your primary care physician or the Beebe Patient Advocate team at 302-645-3547.