



## ADVANCE DIRECTIVES FOR HEALTH CARE OR LIVING WILLS

In Pennsylvania, capacitated adults have the right to decide whether to accept, reject or discontinue medical care and treatment. There may be times, however, when a person cannot make his or her wishes known to a medical provider. For example, a person may be incompetent\*, in a terminal condition or in a state of permanent unconsciousness, and unable to tell his or her doctor what kind of care or treatment he or she would like to receive or not to receive. This can be addressed through an advanced directive.

An advance directive is a written document that you may use, under certain circumstances, to tell others what care you would like to receive or not receive should you become unable to express your wishes at some time in the future. Advance directives may take many forms, and are commonly referred to as a 'living will'. In Pennsylvania, a living will is known in the law as an advance directive for health care.

The living will, or advance directive for health care declaration, becomes operative when:

- Your doctor has a copy of it; and
- Your doctor has concluded that you are incompetent and you are in a terminal condition or in a state of permanent unconsciousness.

Pennsylvania's living will law states that you may revoke a living will at any time, and in any manner. All that you must do is tell your doctor or other health care provider that you are revoking it. Someone who saw or heard you revoke your declaration may also tell your doctor or other health care provider.

Your doctor and any other health care provider must inform you if they cannot in good conscience follow your wishes or if the policies of the health care provider prevent them from honoring your wishes. This is one reason why you should give a copy of your living will to your doctor or to those in charge of your medical care and treatment. The doctor or other health care provider who cannot honor your wishes must then help transfer you to another health care provider willing to carry out your directions--if they are the kind of directions which Pennsylvania recognizes as valid.

There is no single correct way to write a living will or declaration. However, your living will is not valid unless you sign your living will. If you are unable to do so, you must have someone else sign it for you; and two people who are at least 18 years old must sign your living will as witnesses. Neither of those witnesses may be the person who signed your living will on your behalf if you were unable to sign it yourself. It is suggested that you also date your living will, even though the law does not require it. In Pennsylvania, you are not required to have your living will notarized; however, if you are contemplating using the document in another state, you should find out if the other state requires notarization.

### **Eligibility:**

Any capacitated person may make a living will who is at least 18 years old, or is a high school graduate, or has married.

**Contact:**

Area Agencies on Aging, the Pennsylvania Bar Association or legal counsel for older adults at: (202) 434-2120.

For more information, you may download a copy of Advance Directives and Information Form, or to request a hardcopy please write to:

Pennsylvania Department of Aging  
Office of the Chief Counsel  
555 Walnut Street, 5th Floor  
Harrisburg, PA 17101  
(717) 783-1609

*\* Incompetence is the lack of sufficient capacity for a person to make or communicate decisions concerning himself or herself. The law allows your doctor to decide if you are incompetent, or in a terminal condition or permanently unconscious for purposes of a living will.*

The attached information regarding advanced directives is for informational purposes. This copy was supplied by the Pennsylvania Department of Aging.

Due to the nature of the procedures performed at the center and the admission criteria for patients, the center will render all medical appropriate measures to preserve life.

If you already have advance directives completed, please supply us with a copy the day of your procedure. The copy will be placed on your chart; should an emergency transfer occur, the information will be copied and sent with you to the hospital.