

USING ADVANCED DIRECTIVES WISELY

Scholl Executive Committee

There are many types of advanced directive and often the terms are used interchangeably: living wills, formal advanced directives for healthcare (ADHC), durable power of attorney for healthcare (DPOA), and POLST (or MOLST, MOST) in some states. But all are not equal and some can be harmful to your interests. Scholl has the following recommendations:

Living Wills: These documents, whose popularity is fortunately beginning to wane, offer no real legal protection to you. They may or may not be recognized by your physician or the courts.

Advanced Directive for Healthcare (ADHC): These are legal documents available in several formats. They are state-specific, can be denominational and are usually recognized by the courts to serve as a guide to the care that you wish to have. They do not require an attorney to execute and they become effective only when you become incapacitated or unwilling to participate in your own decisions. It is best for these sorts of document to give a general idea as to the type of care you wish without listing specific medical procedures or equipment. In this way, you do not tie the hands of those who ultimately make these decisions and they are free to act in your best interest. The most important part of the ADHC is the Durable Power of Attorney for Healthcare (DPOA).-It is important that any other documents you sign as an Advance Directive be consistent with your Advanced Directive for Healthcare.

DURABLE POWER OF ATTORNEY FOR HEALTHCARE: Assigns a specific person to carry out your wishes and act on your behalf. This person should know clearly your values and desires regarding your end-of-life care and will carry them out. It is, in effect, only after you become incapacitated or no longer wish to participate in your medical decision-making. The person assigned is mandated (must be recognized as able to act on your behalf) and these documents are generally recognized by the courts. Whether a separate document or as part of a fuller advance directive, a DPAHC is Scholl's recommended choice for an advance directive.

POLST: A checklist form of advance directive becoming increasingly used. It is in force as soon as it is signed and has the same force as a physician's order. It is often presented at the time of admission before a full diagnosis is obtained, and unless modified, will remain in effect regardless of the changes in a patient's condition. Scholl considers the POLST in all its forms to be unacceptable and dangerous.

- Remember, to be useful, documents need to be up-to-date and accessible.
- See Resources page for source suggestions.