

# **Medicare Advance Directives**

## **Your Rights as a Patient**

You have legal rights when you go to a hospital, nursing home, doctor or other medical caregiver which include:

- The right to keep your medical records private.
- The right to know what medical care your doctor recommends.
- The right to refuse all or part of any medical care you do not want.

An Advance Directive tells your doctor and other caregivers what you want if you need care when you are not able to speak for yourself.

### **Types of Advance Directives**

There are two common types of Advance Directives. One is called a "Living Will". The other is called a "Durable Power of Attorney for Health Care".

#### **Living Will**

In a Living Will you say what health care you want, or do not want, in the event you have a medical emergency and are either mentally or physically not able to speak for yourself. Give your doctor a copy of your Living Will to put into your medical file. Also let a family member or a close friend know that you have a Living Will and where they can find it if it is needed.

#### **Durable Power of Attorney for Health Care**

In a Durable Power of Attorney for Health Care, (or agent) you pick another person to make decisions about your medical care when you are either mentally or physically not able to speak for yourself. Your agent can be a family member, relative, close friend or another trusted person such as your lawyer.

#### **Advance Directives and the Law**

Personal care providers serving persons covered by either Medicare or Medicaid must give you information about Advance Directives. You must be told about your legal right to have an Advance Directive and to refuse any medical care you do not want. While the laws are not the same in each state, the basic rule of doing what the patient wants is the same everywhere. A Living Will and a Durable Power of Attorney for Health Care are papers which must be signed by you and by two other adults (witnesses).

You can get a Living Will form from the office of your State Attorney General. If you plan to write your own Living Will or Durable Power of Attorney for Health Care, find out what the laws are in the state where you may be a patient. You do not have to prepare an Advance Directive if you do not want one. If you do have one, you may change or cancel it at any time. Any change or cancellation should be written, signed, dated and witnessed. Copies of the changed Advance Directive should be given to your doctor and to others who have a copy of the old one. If you are able to communicate, the doctor will generally follow your directions even when those directions are different from your Living Will or Durable Power of Attorney for Health Care.

#### **In Summary**

You can say "yes" to life-prolonging treatment you want, or "no" to life-prolonging treatment you don't want. Keep a small card in your purse or wallet stating that you have an Advance Directive, where it is, and who your agents are, if you have named agents.

#### **Where to Get More Information**

To learn more about Advance Directives in your area, contact:

- The State Hospital Association
- The State Medical Society
- Your local area Agency on Aging
- The office of your State Attorney General

For further information about Medicare, call 1-800-638-6833. The TTY.TDD for people with hearing and speech problems is 1-800-820-1202. While this leaflet explains a provision of the Medicare program, it is not a legal document.