



FREQUENTLY ASKED QUESTIONS ABOUT ADVANCE HEALTH CARE DIRECTIVES



1. What is advance care planning?

Advance care planning is a process in which you explore your values and wishes about your health care, learn about treatment options and decisions you may face, talk with your loved ones and health care providers about your wishes and record your wishes.

2. What are advance directives?

An advance directive is a written record of your wishes regarding your health care that you make while you are able to do so and long before there is a medical crisis. Advance directives help your loved ones and health care providers know what kind of health care you want. Advance directives go into effect ONLY when you are not capable of making decisions for yourself.

3. When should I complete my advance directives?

Advance directives should be completed by competent adults 18 years of age or older while they are still capable of making decisions for themselves. Many people choose to complete their advance directives at an important life event such as a marriage or birth of a child and often as they are completing other legal documents such as a will.

4. Where can I get copies of the SC statutory advance directives forms?

SC law provides for several “statutory” forms:

Health Care Power of Attorney (SC Code of Laws Title 62 Chapter 5)—allows you to designate someone to make all health care decisions for you when you temporarily or permanently cannot make them for yourself.

Living Will (SC Code of Laws Title 44 Chapter 77)—also known as the *Declaration of Desire for a Natural Death*, this form allows you to express your choices about your care ONLY if you are terminally ill or permanently unconscious.

Other documents that meet state standards including the *Five Wishes* document are accepted as advance directives in SC. The *Five Wishes* document allows you to communicate your wishes to your family, friends and healthcare providers including decisions about medical treatments you may elect to receive or decline, what you want your loved ones to know about your health and who you would want to make sure your wishes are followed.

The *Health Care Power of Attorney* and *Living Will* forms are widely available at no cost. You can obtain copies at www.carolinastendoflifecare.org, by calling 1-803-791-4220 or at the website of any of the partnering organizations shown on the brochure.

The *Five Wishes* document is available for \$5 per copy at www.agingwithdignity.org/live-wishes or by calling 1-888-594-7437.

5. Do I need both a Living Will and Health Care Power of Attorney?

No, the Health Care Power of Attorney document allows you to name an agent to make decisions for you when you cannot make your own decisions. It is the most comprehensive of the advance directive forms. The Living Will is only applicable for decisions if you are terminally ill or permanently unconscious. To establish that you are permanently unconscious could require up to six hours of active treatment. If you choose to have both, you should be sure you are expressing consistent wishes in both.

6. Who should I choose to make health care decisions for me when I can't?

You should choose someone close to you who knows your values and wishes and is strong enough to make tough decisions to carry out your wishes if needed. The person does not necessarily have to be a spouse or close family member but should be someone who is readily available to health care providers if needed.

7. What is a Do Not Resuscitate (DNR) order?

A DNR order is a doctor's order in your medical record indicating your desire to prevent the administration of cardio-pulmonary resuscitation (CPR) or electrical shocks and assistance with breathing when an event occurs in a health care facility.

8. What is a Do Not Intubate (DNI) order?

Similar to a DNR order, the DNI is a doctor's order in your medical record which expresses your desire to not be placed on a ventilator to help you breathe.

9. What is the Emergency Medical Services Non-Resuscitation (EMS DNR) order?

The EMS-DNR (Emergency Medical Services Non-Resuscitation Order) is a document obtained from and signed by your physician, at your request, which prohibits emergency personnel from employing resuscitative measures if you are terminally ill. (*SC Code of Laws Title 44 Chapter 78*)

10. Where should I keep my advance directives?

You should keep one copy of your advance directives with your other important legal documents. It is very important that your primary health care provider and your designated agent have a copy as well.

11. What happens if I don't have an advance directive?

If you do not have a written advance directive, health care providers and your loved ones may not know your wishes regarding your health care. The Adult Health Care Consent Act (*SC Code of Laws Title 44 Chapter 66*) provides a priority list of those who can make decisions in the absence of a written advance directive. The Act is not very specific, which may lead to disagreements regarding care among family members. Health care providers will more often go along with the family member who is the most vocal about the care that should be provided.

12. Will my advance directive be honored in other states?

Probably, as long as your written advance directive substantially conforms to the requirements for documents in the state. This is also the case for out of state directives being honored in SC. It is always a good idea to update these directives when you relocate using the state approved forms.

13. What if I change my mind about my agent or about care I may want or not want?

You are free to change your mind at any time regarding the care you want to receive or decline and the person you want to make decisions when you cannot. If circumstances change, you should update the form, discard the old form, collect and destroy all copies of the old form and make sure your health care provider, family members and your designated agent have a copy of the most current version.

14. How do I register to become an organ or tissue donor in SC?

For information or to register to become an organ or tissue donor in South Carolina, go to www.donatelifesc.org or www.SCDMV.org. You can also register to become a donor at any SC Department of Motor Vehicles office.

15. Where can I get more information about advance directives?

For more information go to www.carolinasendofflifecare.org, where there are information and links to other agencies and organizations promoting advance health care planning, including the SC Bar, the SC Hospital Association and the SC Medical Association.

