



## Learn More – Module 5

### Put Your Wishes in Writing

If you become unable make decisions or to communicate, someone else will have to make health care decisions on your behalf. By choosing a **health care agent**, you grant the person you want to make these decisions the legal right to do so. This helps avoid conflict, uncertainty and stress for your loved ones during a difficult time. Also, your health care agent can act as your advocate, helping others to understand your wishes.

The time to choose a health care agent is *before* you actually need one. The legal form that states your choice of a health care agent is usually called a durable or medical power of attorney for health care, but it may be called by other names in some states. (Source: [www.healthwise.net/humana](http://www.healthwise.net/humana))

### Advance Directives

An advance directive is a document in which a person either states choices for medical treatment or designates who should make treatment choices if the person should lose decision-making capacity. The term can also include oral statements by the patient.

Advance directive is a general term that includes two kinds of documents: **living wills** and durable/medical **power of attorney**. Each state regulates the use of advance directives differently.

- **Living will.** A living will is a document in which you can stipulate the kind of life-prolonging medical care you want if you become terminally ill, permanently unconscious, or unable to communicate. Each state has its own living-will requirements. It is possible to use a standard form from a stationery store, draw up your own form, or simply write a statement of your preferences for treatment, as long as you follow the state's witnessing and signature requirements. **You should discuss the living will with your physician, family and clergy, and ask your physician to make it a part of your permanent medical record. Although you do not need a lawyer to draw up a living will, you may wish to discuss it with a lawyer and leave a copy with your family lawyer.** (Source: American Hospital Association, *Put It in Writing* brochure.)

- **Durable Power of Attorney for Health Care (DPOA)**

This is an advance directive in which you name someone else (your “agent” or “proxy”) to enforce your Living Will and make health care decisions in the event the you become unable to make them or to communicate. This type of advance directive may also be called a health care proxy, medical power of attorney or appointment of a health care agent. Sometimes this person may be a spouse or relative, but not always. It is important that you choose someone who knows your wishes and who you feel will be able to carry through with them should the time come. (Source: American Hospital Association, *Put It in Writing* brochure.)

- **HIPAA Privacy Rule**

The Health Insurance Portability and Accountability Act (HIPAA) includes a Privacy Rule, which protects individuals’ medical records and other personal health information. Among other things, the Privacy Rule establishes safeguards that health care providers must follow to protect the privacy of patients’ “protected health information.” Generally, doctors and hospitals are prohibited from releasing your health information to friends and family (other than your spouse) unless you have specifically authorized the release in writing. By legally designating a health care agent with medical power of attorney, you ensure that person will have legal access to your health information.

### **How to Put Your Wishes in Writing**

- **[Advance Directive Forms for Your State](#)**, which you can download and use for free at the Caring Connections website, [www.caringinfo.org](http://www.caringinfo.org).
- **[Put it in Writing](#)**, an American Hospital Association website to help you understand and create advance directives.
- **[Writing an Advance Directive](http://www.healthwise.net/humana)**, helpful information at [www.healthwise.net/humana](http://www.healthwise.net/humana).
- **[Specifically for Wisconsin Residents](#)**, you’ll find advanced directive information from Wisconsin’s Department of Health and Family Services.