

FATE

FOUNDATION AIDING THE ELDERLY

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YOUR RIGHT TO MAKE DECISIONS ABOUT MEDICAL TREATMENT

The following explains your rights to make health care decisions and how you can plan what should be done when you can't speak for yourself.

Who decides about my treatment?

Your doctor will give you information and advice about treatment. You have the right to choose. You can say "yes" to treatments you want or you can say "no" to any treatment you don't want, even if the treatment might keep you alive longer.

How do I know what I want?

Your doctor must tell you about your medical condition and about what different treatments can do for you. Many treatments have "side effects". Your doctor must offer you information about serious problems that medical treatment is likely to cause you (especially with medications).

What if I am too sick to decide?

If you can't make treatment decisions, your doctor will ask your closest available relative or friend to help decide what is best for you. Most of the time that works. However, it is best to have a Durable Power of Attorney for Health Care so that you may say in advance what you want to happen if you can't speak for yourself. This is an advance directive under California law that lets you name someone to make health decisions for you when you can't.

Who can fill out this Durable Power of Attorney?

You may if you are 18 years or older and of sound mind. You do not need a lawyer to fill it out. However, if you are in a skilled nursing facility, the state ombudsman must be present and witness the execution of this form.

Who can I name to make medical treatment decisions when I am unable to do so?

You may choose an adult relative or friend you trust as your "agent" to speak for you when you are too sick to make your own decisions.

How does this person know what I would want?

After you choose someone, talk to that person about what you want. You can also write down in the Durable Power of Attorney for Health Care when you would or would not want medical treatment. Talk to your doctor about what you want and give your doctor a copy of the form. Give another copy to the person named as your agent. Also, take a copy with you when you go into a hospital, nursing home or other types of treatment facilities.

Sometimes treatment decisions are hard to make and it truly helps your family and your doctor if they know what you want. The Durable Power of Attorney for Health Care also gives them legal protection when they follow your wishes.

What if I don't have anybody to make decisions for me?

You can use another kind of advance directive to write down your wishes about treatment. This is often called a "living will" because it takes effect while you are still alive but have become unable to speak for yourself. The California Natural Death Act lets you sign a living will called a Declaration. Anyone 18 years or older and of sound mind can sign one. When you sign a Declaration, it tells your doctor what treatment you want or do not want. The doctor must follow your wishes or turn your care over to another doctor who will. Your doctors are also legally protected when they follow your wishes.

What if I change my mind?

You can change or revoke any of these documents at any time as long as you can communicate your wishes.

Do I have to fill out one of these forms?

No, you don't have to fill out any of these forms if you don't want to. You can just talk with your doctors and asks them to write down what you want in your chart and talk with your family or friends. However, people will be more clear about your treatment wishes and how to follow a care plan if you write them down.

Will I still be treated if I don't fill out one of these forms?

You will still get medical treatment. However, you need to know that if you become too sick to make treatment decisions, someone else will have to make them for you.

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