



SOUTH CAROLINA FAMILY AND COMMUNITY LEADERS

Affiliated with
National Volunteer Outreach Network, Country Women's Council, U.S.A., Associated Country Women of the World
and in partnership with Clemson University Cooperative Extension Service

LEADER TRAINING GUIDE

Making Your Wishes Known

Objectives:

1. Participants will become aware of the purpose of Advanced Directives for Health Care.
2. Participants will understand two basic documents, a Living Will and Health Care Power of Attorney.
3. Participants will understand where to get copies of the documents, where to store them, and how and when to make changes in the documents.

Ask: Does everyone remember the news coverage of the Terri Schiavo case? She was the Florida woman at the center of a seven year family fight after oxygen stopped flowing to her brain following a heart attack and she was left in a persistent vegetative state. If you watched any of the news you could not help but wonder what kind of medical care she would have wanted if she were able to still speak for herself.

Ask:

1. Do you know anyone who has dealt with a similar family situation?
2. What was the situation and how was it handled?
3. Could it have been handled in a different way that would have been easier for family members?
4. Have you given any thought to what you would want if you were in that condition?
5. Have you taken any actions to insure that your wishes will be followed? If so, what have you done?

Say: Advance directives for health care are legal documents that enable you to plan for and communicate your end-of-life decisions in the event that you are unable to speak for yourself. Thoughtfully prepared advance directives can ease the burden on those who must make health-care decisions for you. Without advance directives that tell what you want done, you do not know what decisions will be made or who will make them. Decisions may be made by certain relatives designated by South Carolina law (Adult Health Care Consent Act), by a person appointed by the court, or by the court itself who may know little about your wishes. Advance directives give you a voice in decisions about your medical treatment, even if you are unconscious or too ill to communicate.

There are two basic health-care directives or documents, a Living Will and a Health Care Power of Attorney, that allow you to write out your wishes for medical care. It's wise to prepare both.

Give out Handout 1: "Advance Directives for Health Care." Discuss.





SOUTH CAROLINA FAMILY AND COMMUNITY LEADERS

Affiliated with
National Volunteer Outreach Network, Country Women's Council, U.S.A., Associated Country Women of the World
and in partnership with Clemson University Cooperative Extension Service

Handout 1

Advance Directives for Health Care

Advance directives for health care are legal documents that enable you to plan for and communicate your end-of-life decisions in the event that you are unable to speak for yourself. Thoughtfully prepared advance directives can ease the burden on those who must make health-care decisions for you. Without advance directives that tell what you want done, you do not know what decisions will be made or who will make them. Decisions may be made by certain relatives designated by South Carolina law (Adult Health Care Consent Act), by a person appointed by the court, or by the court itself who may know little about your wishes. Advance directives give you a voice in decisions about your medical treatment, even if you are unconscious or too ill to communicate.

There are two basic documents that allow you to write out your wishes for medical care, both grouped under the broad heading of health-care directives. It's wise to prepare both.

- A **living will** allows you to document your wishes concerning medical treatments at the end of life.
- A **health care power of attorney** allows you to appoint a person you trust as your "agent," who is authorized to make medical decisions on your behalf if you are unable to communicate as a result of an accident or illness.

Advance directives for health care may be called by different names in different states. In some states, the living will and health care power of attorney are combined into one document. Because the laws governing advance directives vary from state to state, it's important to complete and sign advance directives that comply with South Carolina law.

Where Can I Get Copies of These Documents?

The South Carolina legislature has approved forms for a living will, a health care power of attorney, and The Five Wishes program (<http://www.agingwithdignity.org> or call 888-5wishes [888-594-7437]). The living will form that the legislature approved is called a Declaration of a Desire for a Natural Death. You may get these forms on-line from your local Area Agency on Aging (<http://www.aging.sc.gov/Information/ContactUs.htm#AAAContacts>), The Lieutenant Governor's Office on Aging (<http://www.aging.sc.gov/Seniors/AdvanceDirectives.htm> or by calling 800-868-9095 or 803-734-9900), or from your local Council on Aging.



The Five Wishes is an easy to use legal document that lets your family and doctors know which person you want to make health care decisions for you when you can't make them, the kind of medical treatment you want or don't want, how comfortable you want to be, how you want to be treated, and what you want your loved ones to know.

In 2005, South Carolina joined The Five Wishes allowing citizens to use The Five Wishes form to complete legal Advance Directives. Even though South Carolina accepts The Five Wishes form as a legal document, you must send for the paper version for \$5. You may also be able to pick up copies from your nearest chapter of the AARP, nearby senior centers, or from assisted living and nursing facilities in your vicinity.

Living Will

A living will documents your instructions regarding how you wish to be cared for should you become terminally ill or permanently unconscious (you are in a persistent vegetative state in which your body functions, but your mind does not. This is different from a coma, because a person in a coma usually wakes up, but a permanently unconscious person does not.) It includes your wishes about life-sustaining medical treatments and describes to others - including your physicians, your family and court personnel - the extent and intensity of medical care that you desire in the event that you are no longer able to speak for yourself.

It takes a little time and more than a little thought to prepare a living will. Rather than simply check-marking boxes, allow time to discuss your wishes with your family and loved ones.

Health Care Power Of Attorney

A health care power of attorney allows you to choose someone as your "agent," who will make health-care decisions for you if you are unable to communicate your wishes.

You may designate your spouse, another family member, a close personal friend, or other trusted person of legal age-preferably someone who lives in close proximity. Talk to the person you choose to be sure he or she is capable of carrying out your health-care wishes and provide him or her with a copy of your living will. It's wise to select at least one other person as an alternate in case your primary agent is unable to function when needed. Designated agents have no power to act on your behalf until you can no longer communicate your own wishes (usually determined by two medical doctors). Their power ends at your death. Health care power of attorney is used only for medical - not financial - decisions.

An Ombudsman as designated by the SC State Ombudsman, Office of the Lieutenant Governor,¹ **must** be a witness if you sign a living will when you are in a hospital or nursing home. An Ombudsman **does not** have to be a witness if you sign a health care power of attorney in a hospital or nursing home. (¹From Death with Dignity Act, Section 44-77-40. This responsibility has been delegated to the Lt. Governor's Office on Aging, Long Term Care Ombudsman Program.)



Where should I store these documents?

Your living will and health care power of attorney are important legal documents. Keep your signed original documents in a secure, but accessible, place. Do not put the originals in your safe-deposit box or in another location from which it would be difficult for you or your agent to retrieve them at whatever time they might be needed.

Give photocopies of the signed originals to whomever you have designated to carry out your wishes. In addition to your agent and alternate agent(s), the recipients of these copies should include your doctor(s), key family members, and clergy and may even include close friends or others who might become involved in your health care and medical treatment. It's wise to keep a copy in your vehicles or to carry a wallet card that refers to the documents' existence and location and name(s) your agent(s). If you enter a hospital, nursing home, or hospice, ask that photocopies be filed with your medical records.

In case you decide to make changes in your advance directives, keep a list of who has current copies so that you can provide them with updated versions.

What If I Have Questions?

If you are unsure about signing an advance directive, you could talk to your doctor, minister, priest, rabbi, or other religious professional. Finally, it is very important that you discuss your feeling about life support with your family.

How Can I Make Changes to my Documents? How Often Should They Be Updated?

You may change or cancel your advance directives at any time, as long as you are considered of sound mind to do so. Being of sound mind means that you are still able to think rationally and communicate your wishes in a clear manner. Your changes must be made on the advance-directive forms that comply with South Carolina law. Discard the original and copies of advance directives that no longer reflect your wishes. Make sure that your doctor and any family members who knew about your directives are aware that you have changed them, and give copies of your new documents to your doctor, agent, family members, or trusted friends. You should update your advance directives if your wishes change. You should also consider preparing new documents if:

- you moved to South Carolina from another state
- you made and finalized documents many years ago
- the person you named as your agent becomes unable to supervise your wishes
- you get a divorce

Source: Adapted by Nancy M. Porter, Ph.D., Clemson University Cooperative Extension Service from Legally Secure Your Financial Future (2006). Bishoff, M., Healy, B., Gorham, L., Pankow, D., Hardison, C., and Bankston, J. This program is part of Financial Security in Later Life in the National eXtension program.

CLEMSON
EXTENSION



South Carolina Family and Community Leaders