

The 2000 California Health Care Decisions Law identifies two types of advance directives that a competent adult may sign to deal with future situations where he or she may be incompetent. The first is an “individual health care instruction,” by which a person states his or her wishes concerning treatment or non-treatment in particular named circumstances, including, possibly, end-of-life situations. The second is a “power of attorney,” by which an individual designates an “agent” to make decisions on his or her behalf in the event of incompetency. The California Health Care Decisions Law presents a model form entitled “Advance Health Care Directive” that serves as both a power of attorney and an individual health care instruction [Cal. Probate Code §4701].

An Advance Health Care Directive is the best way to make sure that your health care wishes are known and considered if for any reason you are unable to speak for yourself. By completing a form called an “Advance Health Care Directive” California law allows you to do either or both of two things: First, you may appoint another person to be your health care “agent.” This person (who may also be known as your “attorney-in-fact”) will have legal authority to make decisions about your medical care if you become unable to make these decisions for yourself. Second, you may write down your health care wishes in the Advance Health Care Directive form — for example, a desire not to receive treatment that only prolongs the dying process if you are terminally ill.

The Advance Health Care Directive is now the legally recognized format for a living will in California. It replaces the Natural Death Act Declaration. The Advance Health Care Directive allows you to do more than the traditional living will, which only states your desire not to receive life-sustaining treatment if you are terminally ill or permanently unconscious. An Advance Health Care Directive allows you to state your wishing about refusing or accepting life-sustaining treatment in any situation.

Unlike a living will, an Advance Health Care Directive also can be used to state your desires about your health care in any situation in which you are unable to make your own decisions, not just when you are in a coma or are terminally ill. In addition, an Advance Health Care Directive allows you to appoint someone you trust to speak for you when you are incapacitated. You do not need a separate living will if you have already stated your wishes about life-sustaining treatment in an Advance Health Care Directive.

The Advance Health Care Directive has replaced the Durable Power of Attorney for Health Care (or “DPAHC”) as the legally recognized document for appointing a health care agent in California. The Advance Health Care Directive allows you to do more than a DPAHC. An Advance Health Care Directive permits you not only to appoint an agent, but to give instructions about your own health care. You can now do either or both of these things.

Our Policy: While all of these documents play a very important role as to how healthcare decisions are made on your behalf, it is the policy of MemorialCare Surgical Center Saddleback, regardless of the contents of any Advance Directive or instruction from a health care surrogate or attorney-in-fact, to initiate resuscitation or other stabilizing measures if an adverse event should occur during your treatment at this facility. You would be transferred to an acute care hospital for further evaluation where further treatment or withdrawal of treatment already begun will be ordered in accordance with your wishes, Advance Directive or Health Care Power of Attorney.

If you have an Advance Directive, please bring it with you for your visit to MemorialCare Surgical Center Saddleback and we will place it in your medical record for reference in the unlikely event you are transferred to the hospital.