

Important Healthcare Documents Fact Sheet

Prepared by Ryan Phillips, Esq.

Law Office of T. Ryan Phillips, LLC

ryan@ryanphillipslaw.com | www.ryanphillipslaw.com | (843) 720-3726

Introduction

Your decisions regarding what medical procedures you do and do not want to be administered in the event of a medical crisis are extremely important. You can usually just visit your doctor and have him or her help you decide your best option. But what do you do if you've been badly injured or have fallen terminally ill and can't communicate with your medical professionals? South Carolina and federal law give you the right to choose your medical treatment ahead of time in documents called Advance Directives. These documents are legally binding, and must be followed according to instructions you provide. The most common Advance Directives are Healthcare Powers of Attorney and Living Wills, both of which are described below.

Healthcare Powers of Attorney

A Healthcare Power of Attorney allows you to appoint someone you trust (like a spouse, close family member, or member of the clergy) to make medical decisions for you and speak on your behalf if you are unable to do so on your own because of a medical condition. The person you appoint, called an agent, is able to authorize medical procedures and generally make all decisions for you that relate to your medical treatment and care. The Healthcare Power of Attorney usually becomes effective if you are temporarily unable to communicate your wishes, such as when you fall into a coma or are suddenly affected by a debilitating illness. You choose an agent you trust and the situations when you want the agent to make decisions for you.

Living Wills

A Living Will is a legal document that instructs your physician and other medical personnel on what to do if you fall into a state of permanent unconsciousness or are close to death. Your instructions typically state whether you wish to be given life-sustaining medical treatment, such as feeding tubes. A Living Will may also be used to declare that you wish for life-sustaining medical treatment to be removed or refused.

Differences Between Healthcare Powers of Attorney and Living Wills

There are important differences between Healthcare Powers of Attorney and Living Wills.

- A Healthcare Power of Attorney lets someone you trust make important medical decisions on your behalf, while a Living Will is a set of instructions you have already prepared for a particular medical situation.
- Your physician or medical staff will follow the instructions in your Living Will when you are permanently unconscious or very close to death, while someone you trust will look to

your Healthcare Power of Attorney only in situations that you have listed and will make medical decisions according to your wishes.

Why Should You Always Have Up-to-Date Advance Directives?

Even if you haven't been diagnosed with a potentially terminal illness, Advance Directives are extremely important. And because unexpected medical emergencies are just that – unexpected – you may want to already have a plan in place in the event the unexpected happens. You may have important religious or personal beliefs that you want reflected in your medical care, or you may just not want to put your loved ones in a situation where they have to make your medical decisions without knowing what you would want to be done if you could communicate. An attorney can prepare a legally-binding Advance Directive that reflects your wishes, and you can always update it as your wishes change.

The decision to have an attorney prepare these important healthcare documents for you is a very personal one, and it requires significant personal reflection and thought. You may find it helpful to discuss your healthcare plan with your loved ones or religious leaders.

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If you are interested in putting your important healthcare decisions in an Advance Directive, I am available to discuss your options. Call me (843-720-3726) or send me an email (ryan@ryanphillips.com) to schedule an appointment.