

Health Care Power of Attorney & Living Will documents are available at [www.kishhospital.org](http://www.kishhospital.org) or [www.vwch.org](http://www.vwch.org).

## KishHealth System Planning Ahead

<p><b>Healthcare Agent &amp; Living Will Wallet Identification Card</b></p> <p>My Name is: _____</p> <p>I have signed a Power of Attorney for Health Care authorizing my named agent to make my healthcare decisions for me if I am unable to do so.</p> <p>My Health Care Agent is: _____</p> <p>His/Her Phone Numbers are: _____</p> <p>home _____</p> <p>work _____</p>		<p>My Successor Health Care Agent is: _____</p> <p>His/Her Phone Numbers are: _____</p> <p>home _____</p> <p>work _____</p> <p>I have signed a Living Will. If I am suffering from a terminal condition, a copy may be obtained from:</p> <p>Name: _____</p> <p>His/Her Phone Numbers are: _____</p> <p>home _____</p> <p>work _____</p>	
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*How to Make Future Health Care Decisions Now*

## Illinois Living Wills and Powers of Attorney for Health Care

Illinois law gives you the right to accept or reject medical treatment. You also have the right to give directions, in advance, about the kind of health care you want if the time comes when you cannot make your own decisions.

You can control your future health care by signing a form naming a trusted relative or friend to communicate for you and by signing a document that tells the kind of life sustaining treatment you want. These documents, called advance directives, are written statements you make in advance about your future medical treatment decisions.

### Health Care Power of Attorney

**What is a health care power of attorney?** A health care power of attorney is a document you sign that names another person, called your "agent," to make health care decisions for you if you are unable to do so.

**Who may create a health care power of attorney?** Any competent person at least 18 years old may create and sign a health care power of attorney. You don't need a lawyer to complete the document.

**Who can act as an agent?** Any person who is at least 18 years old and is able to understand and decide about health care matters can be an agent. However, no physician, nurse, or other health care provider who is giving you treatment may act as your health care agent. Most people choose a trusted relative or friend.

**What happens if the person I appoint dies or is not able to serve as my agent?** You may name successor agents to step in and make decisions if your first choice is not able to act. However, you may not have more than one person serving as your agent.

**Will my agent be held liable for my health care costs?** No, your agent will not be held personally responsible for the cost of health care services and treatment that he or she arranges.

**How do I create a health care power of attorney?** The surest way is to complete and sign the Illinois Statutory Short Form Power of Attorney for Health Care. One witness must also sign the form. This form is available on our web site.

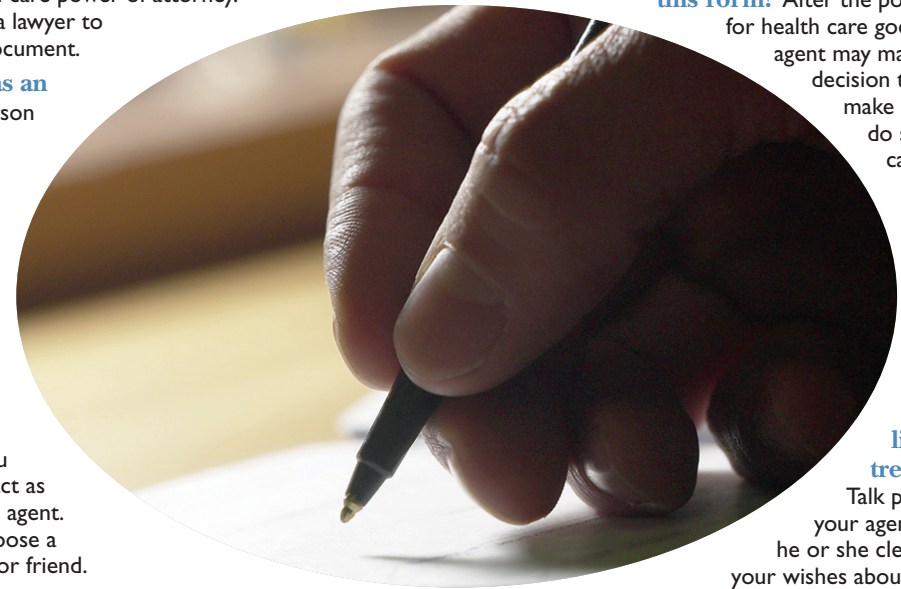
**What powers do I give to my agent by completing this form?** After the power of attorney for health care goes into effect, your agent may make any health care decision that you could make if you were able to do so. However, you can limit your agent's powers or give your agent special instructions by clearly stating them in your power of attorney.

**How do I tell my agent what life sustaining treatment I want?**

Talk personally with your agent and make sure he or she clearly understands your wishes about life sustaining treatment. Section two of the Statutory

Short Form Power of Attorney for Health Care is about life sustaining treatment. You may:

1. Leave this section completely blank, giving your agent the broadest power to decide about life sustaining treatment OR
2. Write in your own instructions to your agent OR
3. Choose one of the three optional statements that are included in the section.





## Living Wills

**What is a living will?** A living will (also called a “declaration”) is a document you sign that states that you do not want your physician to use death delaying procedures if you develop a terminal condition and are unable to state your wishes.

**Who may create a living will?** Any competent person at least 18 years old.

**How do I create a living will?** The surest way is to fill out and sign the Living Will Declaration contained in the Illinois Living Will Act. It must be signed by you in the presence of two witnesses.

**Who can witness the signing of my living will?** Anyone at least 18 years old. Your doctor cannot be a witness.

**When does a living will take effect?** When a physician certifies that you have a terminal condition.

**What is a “terminal condition”?** A condition that cannot be cured or reversed, with death imminent, and with the use of death delaying procedures merely prolonging the dying process.

**What is a “death delaying procedure”?** Death delaying procedures serve only to postpone the moment of death. They may include assisted ventilation, artificial kidney treatments, medication, blood transfusions, and tube feeding.

**If I have a living will, can I still receive pain medication?** Yes, your physician can provide you with pain medication or other care to make you comfortable.

**What happens if I have a living will and a terminal illness and I am pregnant?** A living will does not take effect so long as the attending physician believes the fetus could develop to the point of live birth if death delaying procedures are used for the mother.

## Comparing Health Care Powers of Attorney & Living Wills

**How is a health care power of attorney different from a living will?** A living will takes effect only if you have a terminal illness and cannot speak for yourself. Also, it addresses only decisions concerning life sustaining treatment. A health care power of attorney is broader and more flexible and, in that way, is preferable to a living will. Under a health care power of attorney, your agent can make health care decisions for you in any situation when you are unable to do so.

**Should I have both a health care power of attorney and a living will?** Your living will does not take effect so long as your agent under a health care power of attorney is available and willing to make life sustaining treatment decisions. If you do not wish to be kept alive by life sustaining treatment, you should consider signing both documents because:

- The living will can reinforce the intent of directions you gave in your power of attorney for health care.
- Your agent under the health care power of attorney may die or be unable or unwilling to act when it comes time to make health care decisions.

### Will hospitals and physicians honor my living will and health care power of attorney?

Providers must comply with health care decisions of a health care agent or the directions stated in a living will unless they are morally opposed to them. If the provider is unwilling to comply, the provider must inform your agent who is then responsible for arranging your transfer to another provider.

**For how long are my living will and power of attorney for health care effective?** They remain valid until you revoke them. You are encouraged to review and update your advance directives routinely.

**What should I do with my signed health care power of attorney and living will?** Copies should be given to the persons you have named as the agent and successor agents under the health care power of attorney. Give copies to your physician, family, friends, and hospital and discuss your wishes with them as well.

Inform your agent where the original documents are kept.

**In case of an emergency, how will a hospital know that I have a living will or who my health care agent is?** A hospital can locate your agent or living will if you complete the Health Care Agent/Living Will Wallet Identification Card on the last page of this pamphlet and carry it with you in your wallet or purse. We ask patients when admitted and obtain copies.

**Should I have my living will and health care power of attorney notarized?** The state of Illinois does not require notarization. Other states require notarization.

**Can I revoke or change my health care power of attorney or my living will?** They can be revoked at any time, regardless of your physical or mental condition, by doing one of the following:

- Tear up or otherwise destroy the document; OR
  - Revoke the document in writing, sign and date it, or direct someone else to do it for you; OR
  - Express (orally or otherwise) in the presence of a witness at least 18 years old, your intent to revoke the document. Have the witness sign and date a statement confirming that such an expression of intent was made.
- To change your health care power of attorney, write in the changes, and sign and date the document. To change your living will, revoke the current form, and sign a new one. Also, a court may revoke or change your documents if it believes clarification is needed or your agent is not acting in your best interests.

**Where can I get the living will and health care power of attorney forms?** Copies are available on the web at [www.kishhospital.org](http://www.kishhospital.org) or by calling or writing to your attorney, local hospital, or one of the following: The Illinois Department On Aging, 421 East Capitol Avenue, Springfield, IL 62701, 1.800.252.8966.

The Illinois Attorney General, 500 South Second Street, Springfield, IL 62706, 1.800.252.2518.



## Mental Health Treatment Preference Declaration

**What is a mental health treatment preference declaration?** It is a document you sign to state your wishes to receive psychotropic drugs, electroconvulsive treatment, or be admitted to a mental health facility for up to 17 days, if you are unable to make your own decisions. You may either write your wishes or choose someone to make your mental health treatment decisions for you.

**How does a mental health treatment preference declaration differ from other advance directives?**

If you have a mental health treatment declaration and you need mental health treatment, you may not revoke the declaration. The Power of Attorney for Health Care and Living Will may be revoked at any time regardless of your mental condition.

**How do I create a mental health treatment preference declaration?** Complete and sign the Declaration For Mental Health Treatment contained in the “Mental Health Treatment Preference Declaration Act.”

## Health Care Surrogates

**What if I do not have a living will or power of attorney for health care?** Under the Health Care Surrogate Act, an individual, called a “surrogate,” may make medical treatment decisions for you if you do not have a power of attorney for health care or a living will and are unable to make your own health care decisions.

**What decisions can a surrogate make?** A surrogate can make decisions about your routine medical treatment, and, if two physicians say you have a terminal illness, permanent unconsciousness, or an irreversible condition that causes severe pain or imposes an inhumane burden on you, about life sustaining treatment. A surrogate may not make decisions concerning electroconvulsive therapy, or psychotropic drugs, or admission to a mental health facility.

**Who may act as a surrogate?** Your physician will identify one person as your surrogate, in the following order of priority:

1. Court appointed guardian (most persons will not have a guardian).
2. Your spouse.
3. Any of your adult children.
4. Either of your parents.
5. Any of your adult brothers or sisters.
6. Any of your adult grandchildren.
7. One of your close friends.
8. Guardian of your estate.

**With a health care surrogate, why should I create a health care power of attorney?** A health care power of attorney allows you to name your agent and give him or her instructions now, while you are still able to communicate. A surrogate may not know your wishes.