9. Myth: If I am being asked about creating an advance directive, then I must be very ill or there is something very wrong with my health.

Fact: The best time to fill out an advance directive is when you are healthy. It is harder to make decisions during a crisis. Family may have to try to make these decisions for you, if you can’t. If you make your wishes clear ahead of time, no one has to wonder about what is the right thing to do for you.

10. Myth: Doctors and other health care providers do not legally have to follow my advance directive.

Fact: The VA follows the federal law governing advance directives. VA policy (Medical Center Memorandum 11-12) says that if a patient has an advance directive, then “health care providers have a duty to act consistently with the patient’s wishes as contained in the document”. Please note that during surgery, all DNRs and advance directives are suspended.

Advance Directive – Want to Learn More?

For more information on advance directives or for assistance completing an advance directive form, please talk to your social worker, primary care doctor, mental health professional or chaplain. If you would like to see a social worker in your primary care clinic, please ask the clinic to enter a social work consult (referral). The social worker assigned to your primary care team will contact you and assist as needed. For general questions, contact Social Work Service at 317-988-4619, or toll free at 888-878-6889 (ask for Social Work Service).
Advance Directive – What is it?

An advance directive is a legal form that helps your doctors and family members understand your wishes about medical and mental health care. It can help them decide about treatments if you are too ill to decide for yourself or if you are unconscious. The form allows you to:

1) Name specific people to make health care decisions for you (called a durable power of attorney for health care)

2) Describe your preferences for how you want to be treated (called a living will)

3) Describe your preferences for medical care, mental health care, long-term care, or other types of health care

Why would I need one?

An advance directive helps protect your right to make your own choices. It helps make sure people respect your values and wishes if you can’t speak for yourself. Your advance directive is used only when you aren’t able to make decisions yourself.

When is the best time to fill one out?

The best time to fill out an advance directive is before you become really sick or before you are in a crisis. You should take the time to carefully think about your options and discuss them with your family, caregivers and friends.

What do they not cover?

Advance directives do not cover financial matters, property issues or other personal possessions. They cannot

health care needs. Your care will not change based on whether or not you have an advance directive.

5. Myth: Advance directives or living wills can take care of my finances.

Fact: Advance directives and living wills only cover health care. They have nothing to do with money, estates, or personal items. These matters must be handled by a lawyer or other legal counsel.

6. Myth: My family will make health care decisions for me if I don’t have an advance directive.

Fact: If you can’t make your own health care decisions, your provider will talk to your closest living relative about your health care needs. If you do not have an advance directive, it may be difficult for family members and other loved ones to be faced with such decisions. Having your choices clearly written in an advance directive may be helpful to you and to your family. You will know that your wishes will be carried out and they will know your wishes are being followed.

7. Myth: If I name a health care agent, I will be giving up control of my medical decisions.

Fact: Your health care agent can only make health care decisions for you if you are unable to make your own. Medical staff cannot legally ignore your wishes while you are still able to make your own health care decisions. As long as you are medically able, you will be in charge of your medical decisions.

8. Myth: I need a lawyer to create an Advance Directive

Fact: At the VA, two people need to witness you signing your advance directive in order for it to be official. These witnesses cannot be family members or medical personnel. They can be a social worker, close friend, chaplain, or other non-clinical VA staff.
direct that CPR be withheld or withdrawn so that you can die naturally. A social worker can help you locate the state form and assist with instructions for completion.

**Myths and Facts**

1. Myth: Advance directives are the same as a DNR (Do Not Resuscitate)

   Fact: A DNR must be signed by a doctor and means that if your heart or breathing stops, you do not want it restarted. An advance directive allows you to identify someone as a health care agent. This is a person you choose to make decisions about your health care if you can't. An advance directive also allows you to state your health care choices about life support treatments in certain medical situations.

2. Myth: I have to have an advance directive in order to receive medical care.

   Fact: You do not have to have an advance directive to receive medical care. We recommend that you have one.

3. Myth: Advance directives are for “old people”.

   Fact: None of us knows what will happen. Even young people can be injured or become very ill. Terri Schiavo was only 27 years old when she collapsed. She did not have a written record of her health care wishes and remained on a feeding tube for fifteen years. Her case reminds us how important advance directives can be at any age.

4. Myth: If I have an advance directive, I won’t get the care I need.

   Fact: An advance directive is only used if you are unable to make health care decisions for yourself. Unless that happens, you and your provider make decisions together about your designate someone as a general power of attorney (that is, a representative over your financial or legal concerns). Also, the person designated to make health care decisions for you cannot access your medical record unless you are incapacitated, when doing so would help them make an informed decision on your behalf.

**How do I complete an advance directive?**

Fill out VA Form 10-0137, “VA Advance Directive: Durable Power of Attorney and Living Will,” it’s available on the internet. Or use any valid state advance directive form. For help, talk to a health care professional at the VA – a social worker, your primary care doctor or your chaplain.

**Who can be a witness to my signature?**

Social workers, chaplains and other non-clinical staff such as medical support assistants, housekeepers, etc., may witness your signature on the advance directive. Relatives, or anyone who might benefit financially from your advance directive selections, or clinical hospital staff cannot serve as witnesses to your signature.

**Can I change my advance directive?**

Yes, you may change or cancel your advance directive at any time. In fact, you should review your advance directive from time to time, especially if there is a change in your health. If you change it, be sure to tell your health care team and have them put it in your health record. Share your new directive with your family members and other loved ones.
Must my health care agent always follow my living will?

Most of the time, yes. Your health care agent should try to respect your wishes, but sometimes your health care agent may have to interpret your wishes. You can say in your advance directive if you want your agent to do just what your living will says or if they may make the decision they think is best for you at the time.

Are there times when doctors will not honor the advance directive?

If a patient has an advance directive, the health care provider must follow the patient’s wishes as they are written. Advance directives are suspended during surgeries and if you are being transported in an ambulance or emergency vehicle.

What is a Durable Power of Attorney for Health Care?

This is your health care agent, or the person you name to make health care decisions for you when you can’t. He or she will have the legal right to make these decisions, so you should choose someone you trust, who knows you well and who knows your values. Also, you should make sure the person is willing to be your health care agent. If you don’t select someone, your doctor will choose someone to make decisions in the following order: 1) legal guardian, if you have one; 2) spouse; 3) adult child; 4) parent; 5) sibling; 6) grandparent; 7) grandchild; 8) close friend.

What is a Living Will?

This section states what kinds of treatments you would or wouldn’t want if you become ill and can’t decide for yourself. This includes mental health treatment preferences. Also, you can specify if you want life-sustaining treatments, or if you want treatments withheld or withdrawn. You can also specify if you want CPR or other resuscitative services. The Living Will can help your health care agent and your doctor make decisions the way you would make them if you could. If you don’t have a living will, decisions will be made for you based on what is generally known about you and your values.

Do I need to fill out a durable power of attorney and living will?

No. Even though the VA form contains both, it’s up to you whether you complete the durable power of attorney for health care, the living will, or both.

Out of Hospital Do Not Resuscitate Declaration and Order

You also have the right as a patient to determine if you want CPR and other life-sustaining treatment when you are not in a hospital setting – this is called an Out of Hospital Do Not Resuscitate Declaration and Order. By completing this state form with your doctor, you can help first responders know your wishes if your heart and lungs stop working – you can