

NATIONAL HEALTH CARE DECISIONS DAY IS 16 APRIL

by CPT John Kokoszka

Most Americans recognize that April 15th is an important calendar date for their finances. In recent years, however, a grassroots initiative has created another significant date in April: National Health Care Decisions Day. In 2009, National Health Care Decisions Day falls on April 16th.

The goal of National Health Care Decisions Day is a simple one. Its message is that all Americans need to think about advance planning for their health care. In particular, ask yourself how your desires would be communicated to your health care providers in the event that you could not speak for yourself. If you were suffering from a terminal illness, would you want artificial life support removed?



If you have mulled over those questions and determined your answers, there are two legal documents that may help you. The first is what is known interchangeably as an “advance medical directive” or a “living will.” This document is intended to memorialize your wishes regarding health care should you be suffering from a terminal illness or be in a persistent vegetative state. The second document is known as a “health care power of attorney.” This document is a bit broader in scope. It often repeats the instructions found in a living will, but also nominates an agent who can communicate your health care wishes on your behalf.

Ideally, an individual should have both documents (as long as the two do not conflict with each other). A living will is intended for end-of-life medical care. A health care power of attorney often contains language addressing end-of-life situations, but can also be used anytime a patient cannot express his or her own health care decisions. During routine surgery, for example, your doctors may find you have another condition that could be corrected during the same procedure. A health care power of attorney would allow them to consult your agent for instructions on whether to do so or wait until you can inform the doctors yourself.

The form of a living will or health care power of attorney varies from state to state. Each state has statutes relating to health care powers of attorney or living wills that may be cited in the text of the document. Some states allow both to be combined into one document and each state has very strict rules as to who can act as witnesses for the documents.

Army Legal Assistance Attorneys can draft these documents for eligible clients. The process is very similar to that for obtaining a last will and testament. It involves completing a questionnaire and being interviewed by an attorney. A Legal Assistance Attorney will also review the document with you to ensure that you understand all of the “legalese.”

As April 16th approaches, give some thought to advance medical planning. Living wills and health care powers of attorney are not intended only for retirees or the elderly. Traffic accidents and other misfortunes may strike at any age, often leaving families with the unexpected burden of being asked to authorize the removal of life support. To avoid this, think about the questions discussed above and contact your servicing legal assistance office today if you would like to have a living will or health care power of attorney prepared. Call DSN 483-8848 or Civilian 0631-411-8848 for more information. ***A team from our office will prepare living wills and health care powers of attorney at the Landstuhl Dining Facility on April 16th.***