

An Easy – and Essential – New Resource for Your Health-Care Security

If you were to become incapacitated by injury or illness and become unable to make your own decisions about health-care and medical treatment, how – and by whom – would those important decisions be made? There is now a website in Mississippi that offers you and other members of your family an essential tool for your health-care security – a downloadable **Advance Health-Care Directive**. If you do not have an Advance Health-Care Directive as part of your estate plan already, you may download the form at:

www.mshealthcaredecisionsday.com

As an adult in Mississippi, you are the only person entitled by law to obtain information or make decisions about your own medical treatment and health-care, unless you give someone else legal authority to do so. This includes the right to begin, alter and refuse medical treatment. However, you may lose this capacity through illness or injury, and **doctors or other medical providers may be reluctant to render treatment without consent of someone with lawful authority to approve such measures**. The Uniform Health-Care Decisions Act of Mississippi (MCA §41-41-201) prescribes the “Advance Health-Care Directive” as the instrument by which you, while you have mental capacity, can name one or more agents who will be able to make health-care decisions for you if you are unable to do so. Executing a health-care directive will ensure that, in the event you become incapacitated and need health care or medical treatment, you will have named the person most trusted to make such decisions for you and will have given any written guidance or instructions based on your personal values.

Section 1 of the Advance Health-Care Directive is the health-care power of attorney, in which you may name one or more persons in order of priority as agents to make medical and health-care treatment decisions for you. You can select whether the agent may make such decisions without prior determination of your incapacity, or whether one or more doctors must first determine your incapacity before the agent can make decisions for you. In Section 2, you can state any personal health-care decisions, such as about keeping or removing life-support treatments or tube-fed food and liquids in the event of terminal illness, and other choices concerning medical treatment based on your own personal values. In the optional Section 3, you may list the name and contact information about your personal physician. Section 4, added in 2006, allows you to make organ donation instructions in the directive.

Family Communication is Essential! It is not enough to have an Advance Health-Care Directive document signed. Personal values and choices about health-care and end-of-life issues should be discussed with loved ones who will be expected to make such decisions. The law generally requires that a health-care agent must make medical treatment decisions for you based on how you would make those decisions under the circumstances. Therefore, you must communicate your values and choices about medical care and end-of-life treatment to the agent before the need to use the directive arises. (This failure to clearly communicate personal wishes and values in end-of-life situations to her spouse and family was the greatest problem for Terri Schiavo, the severely brain-injured young Florida woman who remained on life support for over 16 years while

family members fought in court to determine whether her life support should be removed.) Our firm provides some very **helpful tools** (developed by The American Bar Association Commission on Legal Problems of the Elderly) to assist an individual with:

- **selecting an appropriate agent**
- **communicating personal values** about medical care and end-of-life care, and
- **guidelines to help the agent** understand how to carry out such role in the event of the your incapacity.

You have a choice about your health-care!! Please take a few moments to download the Advance Health-Care Directive from the site above, fill it out according to your personal wishes and instructions, and sign it in keeping with the witness and/or notary instructions at the end. You will then rest easy knowing that your future medical treatment and care will be carried out as you wish in the event of future incapacity.