**Stating Your Wishes Regarding Medical Treatment**

Many people today are worried about the medical care they would be given should they become terminally ill and unable to communicate. They may not want to spend months or years dependent on life-support machines, or they may want every measure taken to sustain their life.

**You have a choice.**

A growing number of people are taking action before they become seriously ill. You may now state your healthcare preferences in writing, while you are still healthy and able to make such decisions.

Under federal law, this healthcare organization is required to provide you, the patient, an explanation of your rights under Ohio law to make personal decisions regarding your own medical care. We are also required to ask you whether you have written down your wishes. This pamphlet explains your options concerning the right to accept or refuse medical treatment, and how to make your wishes known about the care you want when you are unable to decide for yourself. It is not legal advice, but serves as general and useful information designed to help you understand your rights under the law.

**What are my rights regarding medical treatment decisions?**

You have the right to make your own medical treatment decisions. If you do not want certain treatments, you have the right to tell your doctor you do not want them. Most patients can express their wishes to their doctor, but some who are seriously injured or unconscious cannot. However, you have the right to make your wishes known before such a situation occurs.

**What if I’m too sick to decide or unable to communicate my wishes?**

Sometimes people can’t tell their doctor about the kind of care they want because they become too sick and are unable to communicate. Under Ohio law, you have the right to fill out a form – while you’re still able – that tells your doctors what you want done if you are unable to communicate your wishes.

**What kind of forms are available?**

Under Ohio law, there are two different forms you can use to make your wishes known:

- **Durable Power of Attorney for Healthcare.** This form allows you to appoint someone as your agent to make all healthcare decisions for you, should you become terminally ill and unable to communicate, or temporarily or permanently unable to make decisions for yourself.

- **Living Will.** This form allows you to give advance written directions about all your healthcare decisions when you are terminally ill and unable to communicate or in a permanently unconscious state. These documents are also referred to as advance directives because they are signed in advance to let your doctor and others know your wishes concerning medical treatment.

**Do I have to fill out these forms before I get medical care?**

No. No person or healthcare provider can require you to complete either of these forms. Completing one or both of these forms is a voluntary action on your part.

**Who can fill out these forms?**

Anyone 18 years or older who can make their own decisions can fill out these forms.

**Do I need a lawyer?**

No, you don’t need a lawyer to fill them out. You may choose to discuss these matters with an attorney, but there is no requirement to do so.

**Do my healthcare providers have to follow my instructions?**

Yes, if your directions comply with state law. However, Ohio law includes a conscience clause in case your healthcare provider is unable to follow your directions because they are in conflict with the caregiver’s conscience. In this case, you can be transferred to another healthcare provider who will comply with your wishes.
A Patient Without a Durable Power of Attorney or a Living Will

If I don’t have a Living Will or Durable Power of Attorney, who makes my healthcare decisions when I’m terminally ill and unable to communicate or am in a permanently unconscious state?

Ohio law now recognizes an Order of Decision Makers when you are no longer able to make healthcare decisions for yourself. This Order of Decision Makers is very similar to the current legally recognized next-of-kin priority order.

The law allows next-of-kin:

• To make all your healthcare decisions if you are terminally ill and unable to communicate.
• To make decisions for the withdrawal of life support if you are in a permanently unconscious state only after a 12-month waiting period. However, this doesn’t include the withdrawal of artificially supplied nutrition and hydration (food and water) - except as explained below.

Other Matters to Consider

What about the withholding of artificially supplied food and water?

The issue of whether you can authorize the withholding of artificially supplied food and water (internal feeding and fluid tubes) depends on your medical condition.

• If you are terminally ill and unable to communicate, and if your Living Will or Durable Power of Attorney state that you don’t want life-support technology used to prolong your life, then artificially supplied food and water can be withheld.
• If you are in a permanently unconscious state, artificially supplied food and water may be withheld only if you have written specific instructions about artificially supplied food and water in your Living Will or Durable Power of Attorney.
• If you don’t have either of these forms, Ohio law allows your next-of-kin to authorize the withholding of artificially supplied food and water when you are terminally ill and unable to communicate. If you are in a permanently unconscious state, your next-of-kin can make these decisions for you only after a 12-month waiting period and approval from a Probate Court.

By filling out these forms, am I participating in euthanasia or assisted suicide?

No, Ohio law does not allow or condone euthanasia or assisted suicide.

Can I make changes to my forms?

Yes, at any time. In fact, if you already have a Durable Power of Attorney, it may be recognized under state law if the document is substantially in compliance with Ohio’s law, which took effect October 10, 1991. Ohio law didn’t formally recognize Living Wills until October 10, 1991. It is always a good idea to periodically review your forms to be sure they still reflect your view. Your old forms may not cover specific areas.

Where do I get Living Will and Durable Power of Attorney forms?

If you are interested in getting copies of these forms, ask your healthcare provider. Many hospitals and other healthcare provider organizations will make these forms available upon request.

What do I do with my forms after filling them out?

You should give copies to your doctor and healthcare facility to put into your medical record. Tell your family or friends – persons close to you – about what you have done and consider giving them a copy as well. Do not simply put these documents in a “safe” place and forget about them.
Durable Power of Attorney for Healthcare Living Will

Who should I choose to make all my healthcare decisions for me when I am unable?

You can choose any adult relative or friend you trust to speak for you when you’re unable to make your own decisions. Be sure you talk with that person about what you want. Then write down what you want or don’t want on your Durable Power of Attorney form. You should also talk to your doctor about what you want.

When does my Durable Power of Attorney take effect?

This document becomes effective only when you are temporarily or permanently unable to make your own decisions about your treatment.

What is the basic difference between a Durable Power of Attorney and a Living Will?

Your Living Will is your set of written instructions about the type of healthcare treatment you want when you are unable to communicate your wishes. Your Durable Power of Attorney allows you to choose a person to make your healthcare treatment decisions for you when you are unable to do so yourself.

If I have a Durable Power of Attorney, do I need a Living Will, too?

Many people will want to have both documents because they can address different aspects of their medical care. A Living Will gives your instructions directly to your doctors and a Durable Power of Attorney appoints another person you have chosen to make healthcare treatment decisions for you.

How does the Living Will work?

• It becomes effective only when you are permanently unconscious or terminally ill and unable to communicate.
• It spells out to what extent you want life-support technology used to prolong your life.
• It gives your caregivers the authority to follow your instructions regarding the medical treatment you want under these conditions.

This brochure is endorsed by the following organizations:

Ohio Department of Human Services
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Ohio Health Care Association
The Ohio Academy of Nursing Homes
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