The Living Will

A living will is a document containing directions concerning the use of life sustaining procedures if you are suffering from a terminal condition and are unable to communicate or make meaningful decisions concerning medical treatment. As long as you are competent and able to communicate, your expressed wishes control the course of treatment even though a living will exists.

Anyone 18 years of age and older and legally competent can make a living will by following these guidelines. The document must be:

- Dated and in writing;
- Signed by you, or by another person acting on your behalf; and
- Signed by at least two witnesses.

Witnesses must meet the following qualifications:

- Must be at least 18 years old;
- May not be a person who signed the living will on your behalf;
- May not be related to you by blood or marriage; May not be a creditor of yours or knowingly entitled to any financial benefit upon your death; and
- May not be financially or in any other way responsible for your medical care.

Your, or another person acting on your behalf, are responsible for notifying your attending physician of the existence of a living will and giving a copy of it to the physician. The living will cannot be implemented if you are pregnant.

You may revoke a living will at any time by any of the following means:

- A written statement of revocation signed and dated by you or by a person acting at your direction;
- An expression of the desire that the living will be revoked, which is made after you know of the existence of the terminal condition;
- Destroying the living will declaration;
- Marking, burning, tearing, or otherwise damaging the living will in a manner indicating your desire to revoke it.
- A written statement in your medical record by your attending physician indicating why he or she has reason to believe that you have revoked your living will.

If you are suffering from a "terminal condition" and are unable to give directions concerning the use of life-sustaining procedures, your attending physician must certify in writing after personally examining you that you have been diagnosed within a reasonable degree of medical certainty to be suffering from a terminal condition. Your attending physician must arrange for a second physician to personally examine you, who must also certify your terminal condition.

Your medical records will contain the following: the two written physician certifications; full documentation of your clinical condition concerning the terminal condition; a copy of your living will (the original is not required); and written documentation by the attending physician indicating his or her belief that you have made a living will or that your living will may have been revoked.

Your physician's orders specifying how to implement the living will (i.e. what medical care and treatment is to be rendered to you and what treatment is to be discontinued) will also be documented in the medical record. Such orders may not provide for withholding or withdrawing...
medication or medical procedures which are necessary to provide comfort, care and alleviate pain. However, by checking the appropriate box on your living will, you may indicate your wishes regarding the artificial administration of sustenance (tube-feeding).

Any physician who refuses to execute the necessary certification or implement the living will by ordering the withholding or termination of life-sustaining procedures must make every reasonable effort to transfer your care to another attending physician, unless your physician refuses to act because he or she believes you are not suffering from a terminal condition or that you have revoked the declaration.

The execution of a living will does not permit any affirmative or deliberate or omission to end life other than withholding or withdrawing life-sustaining procedures from a patient suffering from a terminal condition.

**The Durable Power of Attorney for Health Care**

A "durable power of attorney for health care", lets you name a person to make health care decisions for you. The person that you designate as your "agent" will be able to make decisions for you when two doctors agree that you cannot make decisions for yourself. Unlike a living will, this document will allow your agent to make decisions on your behalf even if your condition is not terminal.

You may want to let your agent make only some decisions to limit what your agent can decide, or to direct your agent to authorize or to refuse certain types of medical procedures. For example, if you are dying or if you become permanently unconscious, there are medicines and machines, such as a respirator, that can keep you alive. Those medicines or machines are called "life-sustaining procedures" because they keep you alive longer, but will not cure you. This document lets your agent tell the doctor and hospital whether to use or to stop using the life-sustaining procedures so that you would be allowed to die.

Even if you sign this document, you can make your own medical decisions for as long as you are able. If you change your mind, you can cancel it at any time. Your should tell your agent, your physician, and each other person who has a copy that it is canceled. You should then ask for the copies back so that you may destroy them.

This document is a limited power of attorney. It is only for medical care. It DOES NOT let your agent make decisions concerning your money or property. So, if you would like to appoint an agent for that purpose, you should make a separate power of attorney naming an agent for your financial matters.

You should not need the help of a lawyer or a physician to complete this document. But, if there is anything you don't understand, you should contact your lawyer, physician, or both to get answers to your questions before you sign it.

You should discuss this document with the person you name as your agent, with your family, and with your physician so that they know your wishes in regard to your medical care decisions.

The document has a place for two witness signatures. If anyone questions your signature, the witnesses can prove that you signed the document. The person you name as agent should not sign as a witness. Other family members or friends can sign as witnesses. The document does not need to be notarized, but if you plan to travel in other states, you might wish to have it notarized because that may be required in other states (than Maryland).

Make copies of this document to give to the person you name as your agent and to your physician or other health care provider. Also, keep one copy at home in a place known to your family members.

**You're Never Too Young**

Distributed by Blue Cross & Blue Shield of Maryland and the Committee of Professional Ethics of Medical and Chirurgical Faculty of Maryland
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