



## **Advance Medical Directives**

### **What are Advance Medical Directives?**

Advance Medical Directives are legal documents that you prepare to ensure your health care wishes are followed if you are not able to make decisions yourself. At our office we recommend that everyone at a minimum have both a Health Care Proxy and a Living Will. In addition, although it is not considered an Advance Medical Directive, we also believe everyone should have a HIPAA Release. A Health Care Proxy allows you to appoint an agent who will make health care decisions on your behalf if you are not able to. A Living Will form provides guidance for what type of medical care you want (or don't want) if you are incapacitated. HIPAA is a privacy law that protects your private medical information and as such, doctors, pharmacists, hospitals, insurance companies and others are not allowed to share your private medical information without your permission. A HIPAA Release indicates who you authorize to get this information.

### **What are the benefits of having Advance Medical Directives?**

Having valid Advance Medical Directives in place will help make things easier on you and your loved ones in case of a medical emergency. Preparing these documents ahead of time also makes sure your wishes are followed with respect to who will make medical decisions if you cannot, and that *your* wishes will be carried out. If you don't plan ahead and have these forms in place, then New York State law sets forth who will make decisions on your behalf. Not only that, but not having clear wishes articulated could result in the Court selecting a Guardian for you to handle your medical decisions.

### **Who should have Advance Medical Directives?**

Everyone over the age of 18 should have Advance Medical Directives in place. Even at 18 years old, you should have at a minimum a Health Care Proxy, Living Will and HIPAA Release. Over the years we have seen many instances of children going off to college and being sent from the college infirmary to a local hospital. Unfortunately if the student is 18 years old or older, the infirmary and hospital are not permitted to give any information to parents if the child does not have Advance Medical Directives in place.

### **Other important information about Advance Medical Directives.**

You cannot appoint more than one person at a time to serve as your Health Care Proxy.

A Living Will is not the same as a DNR (Do Not Resuscitate Order) which is an order to first responders such as EMT's.

NY State recognizes the MOLST form (Medical Orders for Life Sustaining Treatment) which is a document intended for people with a life expectancy of less than two years.

a: 145 Chemung Street, Corning, New York 14830

t: 607.962.6162 f: 607.962.3713 e: [info@rothelderlaw.com](mailto:info@rothelderlaw.com) w: [rothelderlaw.com](http://rothelderlaw.com)

© 2017 Patrick J. Roth, Esq., CPA