Healthcare Directives Are Important

Accidents and illness can strike at any age. What would happen if you could no longer make choices about your medical care? A healthcare directive is a legal written document you give in advance about the medical treatment you’d want if you could no longer express your wishes. You also have the right to name someone to make healthcare choices for you.

Healthcare directives are important for everyone 18 years old and older. Plan ahead by writing a healthcare directive.

What can I put in a healthcare directive?

You may be as specific or as general as you wish. You can also choose which issues or treatments to include in your directive. Some topics you may choose include:

- the person you trust as your “agent” to make healthcare decisions for you; you can name more than one person or an alternate agent in case the first agent is not available
- how you want your agent(s) to decide on medical treatment
- your goals, values, and preferences about healthcare
- the types of medical treatment you would want (or not want)
- where you want to receive care
- instructions about tube feeding
- instructions if you are pregnant
- donation of organs, tissues, and eyes
- funeral arrangements
- who you would like as your guardian or conservator if there is a court action.

Understanding Treatment Choices

It is up to you to choose the best options for you. You can say “yes” to treatments you want. You can say “no” to any treatments you don’t want – even if the treatment might keep you alive longer. Whatever you choose, you will continue to get the highest quality of care that we can provide you.

Before you make or revise your directive, you should discuss your healthcare wishes with your healthcare provider. Your healthcare provider can give you information about:

- treatment choices
- the benefits and risks you are likely to have with treatment and recovery
- the likely results of going without treatment
- how likely the treatment will succeed.

For More Information

More information about healthcare directives and the Minnesota Healthcare Declaration form are available at the admissions desk of the Olmsted Medical Center – Hospital and at the registration desk of each OMC clinic location.

Talk with your healthcare provider, attorney, another qualified advisor, or the Office of the Ombudsman for Older Minnesotans (800.657.3591 or 651.431.2555).

Call OMC Social Services department at 507.529.6806.

Translated Versions – Information Sheet – Healthcare Directives Brochure
English - 1021705     Spanish - 1090505
How do I make a healthcare directive?

There are healthcare directive forms you can use. To be legal in Minnesota, a healthcare directive must:

• be in writing and dated
• state your name
• be signed by you or someone you authorize to sign for you
• be done when you can understand and communicate your healthcare wishes
• have your signature verified by a notary public or two witnesses
• include the appointment of an agent to make healthcare decisions for you and/or instructions about the healthcare choices you wish to make.

You can get healthcare directives forms from your healthcare provider, attorney, or the Minnesota Board on Aging (800.333.2433).

Must I have a healthcare directive? What happens if I don’t have one?

You don’t have to have a healthcare directive. But, writing one helps to make sure your wishes are followed. You will still receive medical treatment if you don’t have a written directive. Healthcare providers will talk to your family about what treatment is best for you. If there is disagreement, someone may seek appointment of a guardian or conservator. If this happens, you have no control over who will be named, and you can’t be sure your wishes will be followed.

What if my healthcare provider refuses to follow my healthcare directive?

Your healthcare provider must follow your healthcare directive, or any instructions from your agent, as long as the healthcare follows reasonable medical practice. But, you or your agent cannot request treatment that will not help you or which the provider cannot provide.

If the provider cannot follow your agent’s directions about life-sustaining treatment, the provider must tell your agent. The provider must also document the notice in your medical record. The provider must allow the agent to arrange to transfer you to another provider who will follow the agent’s directions.

If an individual is concerned with a healthcare provider’s noncompliance with advance directive requirements, complaints may be made to the Office of Health Facility Complaints at 651.215.8713 or 800.369.7994.

What if I already have a healthcare document? Is it still good?

Before August 1, 1998, Minnesota law provided for several other types of directives, including living wills, durable healthcare powers of attorney, and mental health declarations. The law changed so people can use one form for all their healthcare instructions. Forms created before August 1, 1998, are still legal if they followed the law in effect when written. They are also legal if they meet the requirements of the new law (described above). You may want to review your current documents to make sure they say what you want and meet all requirements.

Healthcare directives prepared in other states are legal if they meet the requirements of the other state’s laws or the Minnesota requirements. But requests for assisted suicide will not be followed.

Are there any limits to what I can put in my healthcare directive?

Yes, there are some limits. For example:

• Agent(s) must be at least 18 years of age.
• Agent(s) cannot be your healthcare provider, unless they are a family member or you give specific reasons in your directive.
• You cannot request healthcare treatment that is outside of reasonable medical practice.
• You cannot request assisted suicide.

How long does a healthcare directive last? Can I change it?

Your healthcare directive lasts until you change or cancel it. As long as the changes meet the healthcare directive requirements listed above, you may cancel your directive by any of the following:

• a written statement saying you want to cancel it
• destroying it
• telling at least two other people you want to cancel it
• writing a new healthcare directive.

What should I do with my healthcare directive after I have signed it?

You should tell others that you have a healthcare directive and give your healthcare provider a copy. You may wish to tell family members, your healthcare agent(s), and other healthcare providers that you have a healthcare directive. It’s a good idea to review and update your directive as your needs change. Keep it in a safe place where it is easily found.