



## Arc Guide to Minnesota Health Care Directives

It can be tough to think about what will happen when we are not at our healthiest. Completing a Health Care Directive can give both you and the people in your life peace of mind about the future.

### What is a Health Care Directive?

A Health Care Directive is one form of advance care planning. It is a way for you to communicate your decisions about your medical care to the people in your life. It is a written document used when you are unable to make your own decisions about your healthcare. It lists what types of medical care you want and do not want, and who you want to make decisions for you.

The process of creating a directive is just as important as the finished product. It aids you in thinking about your future and discussing this with the important people in your life. It is recommended to complete a directive when you are in good health; it is more difficult for you and others to make tough decisions when you are in crisis. Take your time and thoughtfully consider each aspect of your health.

### Who should get a Health Care Directive?

While no one is required to have a Health Care Directive, it is highly recommended for everyone. If something happens to you and you do not have a directive, medical staff will not know what you want. Creating a directive is a legal way for everyone to make their wishes known.

### What should I talk with the people in my life about?

Health care is complex. Many questions are not easy to answer. Directive templates have questions to get you started, and there is space to write your additional decisions. It is best to think of all possible scenarios, write them in your directive, and talk with your agent about them. There are documents in the resource section of this guide that can assist in this discussion. Depending on the directive template you use, it may include some of the following questions:

- What decisions do you want your agent to be able to make on your behalf?
- What types of treatment do you want? Are there any types of treatment you do not want?
- Do you want to receive medication for pain? How much?
- Do you want to be on life support? When would you want life support to be stopped?
- What would make you more comfortable in the hospital? Would you want a book read to you or music playing?
- Who do you want to be involved? Who do you want to visit you?
- Do you want to be an organ donor?



- What do you want your funeral to be like?

#### What is a Health Care Agent?

- A Health Care Agent is the person you choose to follow your Health Care Directive and make decisions for you if you become unable to do so. (You may also hear the terms “healthcare proxy” or “healthcare power of attorney” used.) It is recommended to talk with your agent about what you want for your healthcare and confirm they are able and willing to be your agent. They may have additional questions for you that you did not think you needed to answer. You can select a primary agent and an alternate agent in case the primary is unavailable.

#### Who should I choose to be my Agent?

Who you choose to be your agent varies depending on personal preferences. The person you choose to be your health care agent:

- Should follow what the directive says first, then make further decisions if your directive does not specify the choice they need to make. Be sure to choose someone who you believe would make the decisions you would want, not what they want.
- Could be a family member, significant other, friend, or anyone who knows you well.
- Should be someone you trust.
- Typically should not be a support staff, unless they will be in your life long term.

#### What kind of paperwork do I need to do?

There is not a specific form required for your Health Care Directive. There are several resources with templates at the end of this guide. A directive is valid as long as it meets certain requirements. It must:

- Include an agent and/or instructions about the health care choices you wish to make.
- Be dated and in writing.
- State your full legal name.
- Be signed by you or someone you authorize to sign for you.
- Have your signature witnessed by two people or notarized.

**\*\*The witness to your signature cannot be a hospital staff or your agent\*\***

#### What do I do with it once I complete my Health Care Directive?

Talk with your agent, your doctor, and other people in your life so they know what you want. Make copies of the signed document. Keep one for yourself and give one to your agent(s), your doctor(s), your hospital(s), and your attorney if you chose to work with one. (You do not need an attorney to create a directive, but some people choose to use one.) Review this document yearly or after any event that might change your decisions.



### Do I need a Health Care Directive if I have a guardian?

Everyone, regardless of guardianship, should have a Health Care Directive. If you are under guardianship (if it includes the medical power), your guardian can make medical decisions for you, so a Health Care Directive is not legally required.

However, completing a directive can give you more power and choice over what happens to you. You may want someone other than your guardian involved with your end of life decisions, and may have decisions about what you want your care to look like. In general, anyone who knows what they want for their health care and knows who they want to make decisions for them has the capacity to sign a directive.

### Templates and Information:

- Honoring Choices: An organization that has free, electronic Health Care Directive templates. They have both a short form and a long form. This site also includes information on POLST (Physician's Orders for Life-Sustaining Treatment), which is a medical order. POLST is different than a Health Care Directive, and is signed by a doctor.  
<https://www.honoringchoices.org/health-care-directives/english-directives>
- Minnesota Attorney General: This website answers frequently asked questions and has a free health care directive template.  
<https://www.ag.state.mn.us/consumer/handbooks/probate/CH6.asp>

### Information:

- Minnesota Department of Health: Frequently Asked Questions about Health Care Directives.  
<https://www.health.state.mn.us/facilities/regulation/infobulletins/advdir.html>
- Go Wish: An interactive online tool to help prioritize what is most important to you.  
<http://gowish.org/>
- Five Wishes: A website with resources to help guide the conversation about your health care wishes.  
<https://fivewishes.org/#>
- A letter to my doctor: A tool that helps people with disabilities describe how and when they want help making health care decisions.  
<https://thearc.org/wp-content/uploads/2019/08/Making-My-Own-Health-Care-Decisions--A-Letter-for-to-My-Doctors.pdf>



- Arc Guide to Guardianship: A document that talks about how to support people in making choices. It discusses alternatives to guardianship and guardianship.  
<https://arcminnesota.org/resource/arc-guide-to-guardianship/>

**For further information or advocacy services, contact The Arc Minnesota at 952.920.0855 or toll-free at 833.450.1494 or visit [www.arcminnesota.org](http://www.arcminnesota.org).** (Please note: *This document is not legal advice, and should not be construed as such. Thus, no information herein should replace the sound advice of an attorney.*)

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