



**Minnesota National Guard
Office of the Staff Judge Advocate
Legal Assistance Information Sheet**

Health Care Directive

This fact sheet is for information purposes only. It is not intended to constitute legal advice and is not a substitute for speaking with a judge advocate.

1. What is a health care directive? A health care directive is a written document that allows you to do one or both of the following: name another person (called the health care agent) to make health care decisions for you if you are unable to decide or speak for yourself; and give health care instructions to guide others making health care decisions for you.

2. Why have health care directive? A health care directive is important if your attending physician determines you can't communicate your health care choices (because of physical or mental incapacity). It is also important if you wish to have someone else make your health care decisions. In some circumstances, your directive may state that you want someone other than an attending physician to decide when you cannot make your own decisions.

3. What Can I Put in a Health Care Directive? You may be as specific or as general as you wish in your health care directive with some limitations. You may include:

- ✓ The appointment of a person you trust as your agent to make health care decisions for you. You can name alternative agents in case the first agent is unavailable.
- ✓ Your goals, values, and preferences about health care.
- ✓ The types of medical treatment you would want (or not want).
- ✓ How you want your agent or agents to decide.
- ✓ Where you want to receive care.
- ✓ Instructions if you are pregnant.
- ✓ Donation of organs.
- ✓ Funeral arrangements.

4. What are the limits of what I put in my health care directive? Your agent must be at least 18 years of age and cannot be your health care provider (unless the health care provider is a family member, or you give reasons for the naming of the agent in your directive). In addition, you cannot request health care treatment that is outside of reasonable medical practice.

5. How long does my health care directive last? Your health care directive lasts until you change or cancel it.

6. What should I do with my health care directive after I have signed it? Your original health care directive should be placed in a safe place where others can find it, not in a safe deposit box. Give copies to doctors, family, close friends, the Agent you named to make decisions for you, and the person you named as an alternate agent. Ask to have it put in your file at your doctor's office and the hospital, home care agency, or nursing home.