



What You Need to Know About Living Will Durable Power of Attorney For Health Care 1991 Changes in Tennessee Law

◆ Tennessee law gives you the right to refuse medical treatment. Two legal papers can help you protect this right, even if you become too sick to speak for yourself. But, you must sign the papers while you are still able. The two papers are a "Living Will" and a "Durable Power Of Attorney For Health Care." These two papers work together, so it's a good idea to have both.

◆ Tennessee changed its law on these papers on July, 1, 1991. Some people who signed their papers before that date may want to sign new ones.

◆ This page gives the most important things to know about these papers. The following pages give more details.

Living Will

A Living Will is a legal paper that says you want your death to be a natural death. It tells them not to keep you alive on machines if:

- ◆ You are about to die, or
- ◆ The doctor thinks you will never wake up from a coma.

Unlike a regular Will, a Living Will says nothing about who should get your belongings after you die. It does say you do not want anything done to make your dying take longer.

A Living Will works only if other people know you have one. If you sign one, give copies to your family, doctor and friends. Attach a note saying where you keep the original. You might also want to keep a copy in your wallet or carry the attached "wallet card."

You can cancel a Living Will later. Just tell people you changed your mind. You do not have to tear up the paper, but you should.

Only Living Wills signed after July 1, 1991 say what you want done if you are in a coma and whether you want to be kept alive by tubes for food and water.

A Durable Power Of Attorney For Health Care can help enforce your Living Will.

Durable Power of Attorney For Health Care

This legal paper lets you name a trusted person to make your health care decisions if you become unable to speak for yourself. The decisions this person can make include refusing treatment you would not want. This person is called your "attorney in fact" but the person does not have to be a lawyer. Your "attorney in fact" just has to be someone you trust to carry out your wishes.

You can cancel a Durable Power Of Attorney For Health Care at any time. Just tell your doctor or someone else that you changed your mind.

In July, 1991, Tennessee changed its law about the Durable Power Of Attorney For Health Care. To be safe, it is best to sign a new Durable Power Of Attorney For Health Care if:

- You still want one and
- You signed one before April **1990**.

NOTE: *There are also other kinds of Durable Powers of Attorney. If you signed a Power of Attorney which names someone to handle your money and property, that person does **NOT** have the power to make health care decisions for you. For that, you must sign a Durable Power Of Attorney For Health Care.*

about Living Wills and Durable Powers Of Attorney For Health Care

Do I have to have both papers?

No, but it is best to have both if you want a Living Will. The Durable Power Of Attorney For Health Care makes your Living Will stronger. It names someone who can make sure your Living Will is carried out and can make other decisions about your health care. The Living Will makes sure that the person named in your Durable Power Of Attorney For Health Care knows your wishes.

If I signed a Living Will or a Durable Power Of Attorney For Health Care before July 1, 1991, should I do it again?

If these papers were legal when you signed them, they are still legal now.

However, only Living Wills signed after July 1, 1991 can:

- ◆ Tell them not to keep you alive by using tubes to give you food or water.
- ◆ Tell them not to keep you alive on machines if the doctor thinks you will never come out of a coma.

If you do not want to be kept alive that way, sign a new Living Will. To be safe, it is best to sign a new Durable Power Of Attorney For Health Care if:

- ◆ You still want one **and**
- ◆ You signed the old one before April 1990.

You should also sign a new Durable Power Of Attorney For Health Care if the person you named in the old one cannot or will not serve.

When I make a Living Will, what choices do I have?

Signing a Living Will indicates that you do not want medical treatment that would make your dying take longer. In addition, you must say in your Living Will:

- ◆ Whether you want them to keep you alive by using tubes to give you food or water.
- ◆ Whether you want to donate part or all of your body after your death.

What choices does the Living Will give me about donating organs?

Living Wills signed after July 1, 1991 give you three choices. You should *check just ONE*:

- ◆ Give any part of your body after death for use by another person
- ◆ Give part, but not all of your body (write in the parts you want to give.)
- ◆ Give none of your body.

If you donate your organs, your dead body will be put on machines until the organs are removed.

How do I sign these papers so they will be legal?

To be legal, a Living Will and a Durable Power Of Attorney For Health Care must be signed in front of two witnesses. (See the next section about who the law does and does not allow to be a witness.)

Also, you must sign your Durable Power Of Attorney For Health Care in front of a notary public. For a Living Will, though, the law does not require this. Even so, it may be a good idea to have both forms notarized. Some health care workers may be more willing to honor a notarized Living Will.

Who canNOT witness the signing?

By law, certain people cannot sign as witnesses to your Living Will or Durable Power Of Attorney For Health Care. They are:

- ◆ Your relatives.
- ◆ Anyone who will get your money or property when you die.
- ◆ The person you have chosen to be your “attorney in fact” in the Durable Power Of Attorney For Health Care.
- ◆ Your health care providers, such as your doctors and anyone who works for your doctors.
- ◆ Anyone who works for a health care institution, such as a hospital or nursing home, where you are a patient.

Can a relative be my “attorney in fact”?

Yes. What a relative **CANNOT** do is be the witness to your signing. But, a relative **CAN** be the “attorney in fact” you name to decide about your medical care.

Who cannot be my “attorney in fact”?

By law, you cannot choose the people listed below to be the “attorney in fact” in your Durable Power Of Attorney For Health Care:

- ◆ One of your health care providers, such as a doctor or nurse.
- ◆ Someone who works for one of your health care providers (unless this person is your relative).
- ◆ Anyone who runs a health care institution, such as a hospital or nursing home.
- ◆ Anyone who works for a health care institution (unless this person is your relative).
- ◆ Your conservator (except in special cases. Check with your lawyer on this).

What should I do with my Living Will and Durable Power Of Attorney For Health Care?

These papers work only if others know you signed them. Keep the original with your important papers. Give copies to your “attorney in fact,” your family, close friends and doctors. Attach a note saying where you keep the original. You might also want to keep a copy in your wallet or clip the attached “wallet card” to your insurance card.

I Signed a Living Will or a Durable Power Of Attorney For Health Care in another state. Will those papers work in Tennessee?

Yes. Those papers will work in Tennessee if you followed the laws of the state where you signed them. But check to see if your Living Will talks about:

- ◆ Keeping you alive by using tubes to give you food or water.
- ◆ Keeping you alive on machines if you are in a permanent coma.

If it does not and you do not want to be kept alive that way, sign a new Living Will.

I want someone else to handle my money and business affairs. Will a Durable Power of Attorney for Health Care do that?

No. For that, you must sign a regular Durable Power of Attorney. A Durable Power Of Attorney For Health Care only names a person to decide about your medical care.

If I am dying, I want them to do everything they can to keep me alive. I want them to use any machines or other treatments they have. What should I do?

Do **NOT** sign a Living Will. Tell your doctors, your family and your friends what you want. It may be a good idea to sign a Durable Power of Attorney for Health Care so someone will see that your wishes are carried out. But, do **NOT** use the Durable Power of Attorney for Health Care form attached to this paper. It says you do not want to be kept alive on machines or tubes.

This Is The Front Of Your CLIP & CARRY WALLET CARD

Take it with you to the notary public. Use the line at the bottom to tell where your original signed Living Will is kept.

NOTICE TO HEALTH CARE PROVIDERS

See important information on other side regarding the bearer's Living Will, Durable Power Of Attorney For Health Care and organ donation.

I attest that the bearer of this card:

_____ has signed a Living Will in conformity with *T. C. A. §32-11-105*. The Living Will was subscribed, sworn to and acknowledged before me by _____, the principal, this ___ day of _____, 20__.

Notary Public

My commission expires _____

The original signed Living Will is kept:

Instructions For Use Of Wallet Card

Use the wallet card to tell health care providers who do not know you that you have a Living Will. This could be important if you were to be taken to an emergency room unconscious.

1. Have the front of the card notarized at the time you sign your Living Will. Also write on the front where family and friends can find the signed original of your Living Will.
2. Fill in the back of the card as shown below.
3. Fold the card across the middle so that the large box shows on the outside front.
4. Clip the card to your health insurance card or your Medicare card.

This is the back side of your wallet card.

NOTICE TO HEALTH CARE PROVIDERS:

The bearer of this card:

has signed a Living Will and a Durable Power Of Attorney For Health Care. In addition to the desire for a natural death, the Living Will: **DOES** **DOES NOT**

AUTHORIZE THE WITHHOLDING OR WITHDRAWAL of artificially provided food, water, or other nourishment or fluids. The bearer **DOES** **DOES NOT** **DESIRE TO DONATE** part or all of the body for organ transplantation.

ALL OF BODY **OR** **Parts to Donate:**

The "Attorney In Fact" named to make medical care decisions when the bearer cannot speak for himself or herself is

Name _____

Address _____

Phone (day) _____ (night) _____

Write your Name

Want them to **AVOID OR STOP** tube feeding? Put a check mark after the first "DOES."

Want tube feeding? Put a check mark after "DOES NOT" (meaning, does not want to **STOP** tube feeding)

Put a check mark after "DOES" if you want to give part or all of your body for use by someone else.

Put a check mark after "DOES NOT" here if you do not want to donate any of your body.

Put a check after "All of Body" if you want to give your whole body.

If you want to give only certain parts, list them.

Write the name, address and phone numbers of the person you named in your Durable Power of Attorney for Health Care.