

## UNDERSTANDING AND EXECUTING A HEALTH CARE POWER OF ATTORNEY AND A LIVING WILL IN NORTH CAROLINA: MAKING AN INFORMED CHOICE

Advances in medical technology have made it possible for physicians to prolong the mechanics of life almost indefinitely. Few of us, however, would choose to be kept alive if we lack consciousness and cannot communicate or interact in any meaningful way with others. North Carolina law gives you the right to name someone to make health care decisions for you when you cannot make or communicate those decisions yourself.

A Health Care Power of Attorney gives the person you designate as your Health Care Agent broad powers to make health care decisions for you when you cannot make the decision yourself or cannot communicate your decision to other people.

Likewise, a Living Will allows you to give instructions for the future if you want your Health Care Providers to withhold or withdraw life prolonging measures in certain situations. A Living Will states what choices you would have made for yourself if you were able to communicate those decisions to your loved ones and health care providers.

Both the Health Care Power of Attorney Form and the Living Will Form are intended to be valid in any jurisdiction in which it is presented. Please note, however, that places outside of North Carolina may impose requirements that the Health Care Power of Attorney Form and the Living Will Form do not meet.

Prior to executing a Health Care Power of Attorney or a Living Will, you should talk to your doctor about what the terms on the forms mean. For example, the Living Will Form requires you to choose if you want your wishes to be followed if you become unconscious and your Health Care Providers determine that, to a high degree of medical certainty, you will never regain consciousness. This scenario is intended to include a persistent vegetative state resulting from brain damage and a lack of self awareness.

Similarly, you should discuss with your physician what the impact of artificial nutrition or hydration is so that you may make an informed choice regarding your end of life care. These procedures may be more invasive than you wish.

It is most important to talk with your family members, friends, and others you trust about your choices. Not only should you review the form with your physician, but you should also review it with professionals such as Clergy and Lawyers before you complete and sign the Health Care Power of Attorney and Living Will.