



Advance Directives

An advance directive is your written record about your future care and treatment, including mental health care. It helps your family and provider know your wishes about your medical care. You must be of sound mind and at least 18 years or older or an emancipated minor to have an advance directive. You choose a person to make health care choices for you when you cannot make them. You may also use an advance directive to keep certain people from making health care decisions for you.

You can use advance directives to state your wishes about your health care. Many people worry what would happen if they become too sick to make their wishes known. Some people may not want to spend months or years on life support. Others may want all steps taken to live longer.

You have a choice.

You do not have to make an advance directive, but we suggest you do so. Many people write their health care wishes while they are healthy. Providers must make it clear that you have a right to state your wishes about your health care. They must ask if your wishes are in writing. They also must add your advance directive to your medical record.

When making an advance directive, you will need to answer some tough questions. Think about these things when you write your advance directive:

- It's a choice to write one.
- The law states that you can make choices about health care, such as agreeing to or refusing care.
- Having one does not mean you want to die.
- It can only be filled out by people of sound mind.
- You must be at least 18 years old or an Emancipated Minor to have one.
- Having one will not change other insurance.
- They should be kept in a safe place. A copy should be given to your family, health care agent, and primary care provider.
- They can be changed or ended at any time.

What are my rights to choose my medical care?

You have the right to choose your own medical care. If you don't want a certain type of care, you have the right to tell your doctor you don't want it.

What kinds of forms are there?

Under Ohio law, there are four different forms, or advance directives, you can use. You can use either a Living Will, a Declaration for Mental Health Treatment, a Health Care Power of Attorney or a Do Not Resuscitate (DNR) Order.

You fill out an advance directive while you're able to act for yourself. The advance directive lets your doctor and others know your wishes about medical care.

Do I have to fill out an advance directive before I get medical care?

No. No one can make you fill out an advance directive. You decide if you want to fill one out.

Do I need a lawyer?

No, you don't need a lawyer to fill out an advance directive. You may want to speak with a lawyer for help.

Do the people giving medical care have to follow my wishes?

Yes, if your wishes follow state law. However, Ohio law includes a conscience clause. A person giving you medical care may not be able to follow your wishes because they go against their conscience. If so, they will help you find someone else who will follow your wishes. If you have any concerns about someone not following your wishes, you may file a complaint with the Ohio Department of Health.

Can I change my advance directive?

Yes, you can change your advance directive whenever you want. If you already have an advance directive, make sure it follows Ohio's law. You may want to contact a lawyer for help. It is a good idea to look over your advance directives from time to time. Make sure they still say what you want and that they cover all areas.

If I don't have an advance directive, who chooses my medical care when I can't?

If you are in terminal condition or a permanently unconscious state, then Ohio law recognizes an order of decision makers if you are unable to make health care decisions for yourself and you do not have an advance directive. Ohio law recognizes this order of your decision makers: legal guardian, spouse, majority of adult children, parents, and other nearest relative.

Where do I get advance directive forms?

Many of the people and places that give you medical care have advance directive forms. A lawyer could also help you.

What do I do with my forms after filling them out?

You should give copies to your doctor and health care facility to put into your medical record. Give one to a trusted family member or friend. If you have chosen someone in a Health Care Power of Attorney, give that person a copy. Put a copy with your personal papers. You may want to give one to your lawyer or clergy person. Be sure to tell your family or friends about what you have done. Don't just put these forms away and forget about them.

Organ and tissue donation

Ohioans can choose whether they would like their organs and tissues to be donated to others in the event of their death. By making their preference known, they can ensure that their wishes will be carried out immediately and that their families and loved ones will not have the burden of making this decision at an already difficult time. Some examples of organs that can be donated are the heart, lungs, liver, kidneys and pancreas. Some examples of tissues that can be donated are skin, bone, ligaments, veins and eyes.

There are two ways to register to become an organ and tissue donor:

1. You can state your wishes for organ and/or tissue donation when you obtain or renew your Ohio Driver License or State ID Card, or
2. You can complete the Donor Registry Enrollment Form that is attached to the Ohio Living Will Form, and return it to the Ohio Bureau of Motor Vehicles.

What is a guardian?

A guardian is someone chosen by a court to be legally in charge for another person.

When will a guardian be chosen?

A court will choose a guardian for someone who can no longer make safe choices by themselves. This is usually due to legal or mental incapacity. In certain situations a minor may also have a guardian chosen for them.

How do I get a guardianship?

Only a court can choose a guardian. The court that chooses a guardian is your local court. This could differ based on where you live. Call your local court, a local lawyer, or local legal aid service for more information.