



You have the right to accept or decline any recommended medical treatment. Normally, your doctor explains your options for health care and you get to decide what is best for you. But what happens if you are too sick to make decisions for yourself? Who would you want to make decisions for you? Does this person know what you would or wouldn't want? Questions like these can be hard to think about, but they're important. That's why VA wants you to know about advance directives.

What is an advance directive?

If you are ever too sick to make health care decisions for yourself, your surrogate will make health care decisions for you. You can name a specific person to be your surrogate in an advance directive, and that person is known as your Health Care Agent. An advance directive can also help your surrogate and health care team understand what medical and mental health care you would or would not want.

There are two types of advance directive forms. A **Durable Power of Attorney for Health Care** is a form that you can use to name any adult as your Health Care Agent. This person will have the legal right to make health care decisions for you if you are not able to do so. A **Living Will** is a form you can use to state your preferences about treatments you would or wouldn't want if you cannot make treatment decisions yourself. It can help your surrogate and others know what your preferences are.

You have the right to complete neither, one, or both types of advance directive forms. You will not be discriminated against based on whether or not you have an advance directive, and your decision to have or not have an advance directive will not affect your access to health care or other VHA services.

Who should I choose as my Health Care Agent?

When deciding on a Health Care Agent, it's best to choose someone you trust and who knows you well, because they will be asked to speak for you if you can't make health care decisions yourself. When you choose someone, you should talk to that person to make sure they are willing to be your Health Care Agent and willing to carry out your wishes.

If I don't choose someone to be my Health Care Agent, who will make decisions for me?

If you don't choose a Health Care Agent to be your surrogate and you lose the ability to make decisions for yourself, your surrogate will be identified from this list, in the following order of priority: legal guardian (if you have one), spouse, adult child, parent, sibling, grandparent, grandchild, or a close friend. If your doctor can't find anyone from this list, VA staff or a court of law will make health care decisions for you.

Does VA have an advance directive that I can complete?

Yes. VA's advance directive is VA Form 10-0137. It includes both a Durable Power of Attorney for Health Care section and a Living Will section. On the VA advance directive form, you can choose how strictly you want your surrogate and health care team to follow the preferences included in your Living Will.

Does VA recognize other advance directive forms?

Yes. VA recognizes all types of legal advance directives, including VA, state, and Department of Defense (DoD) advance directives. If you have a VA advance directive, you may also have a DoD advance directive and/or one or more state advance directives. Talk with your health care team about which advance directive form is right for you and, if you do have multiple advance directives, make sure they don't conflict with each other.

Does my surrogate and health care team have to follow my living will?

Most of the time, yes. Your surrogate and health care team must try to respect your wishes. Because your living will can't cover every potential situation, your surrogate and health care team may have to interpret your wishes, especially if there is conflicting information about your wishes, or if it is unclear how to apply your wishes. Also, your health care team won't be able to follow your living will if it conflicts with legal or professional standards.

WHAT YOU SHOULD KNOW ABOUT ADVANCE DIRECTIVES CONTINUED

What should I do if I want to complete an advance directive?

You can fill out an advance directive form on your own or get help from a health care provider. This might be a social worker, your primary care doctor, or your mental health professional. You could also talk to your spiritual advisor or attorney.

The VA advance directive is available for download here: https://www.ethics.va.gov/for_veterans.asp. Your health care team can also give you a copy of the VA advance or help you access other advance directive forms.

If you'd like more information about advance directives, or you would like help filling out advance directive forms, please contact a member of your VA health care team.

VA Health Care facilities may include additional contact information here:

What should I do with my completed advance directive?

If you have an advance directive, it's important to give a copy to your VA health care facility and to your Health Care Agent.

Can I cancel or change my advance directive?

Yes. You can change or cancel your advance directive at any time. If you change or cancel it, give a copy of the new advance directive to your VA health care facility and to your Health Care Agent.

Where can I find VA's policy on advance directives?

Ask your health care team to provide the policy to you, or go to <https://www.ethics.va.gov/policy.asp>.

*Whether or not you decide to fill out an advance directive, **it's important to discuss your wishes with others.** Talk to your Health Care Agent, your loved ones, and your health care team so they understand what is important to you, so that if you lose the ability to make health care decisions, everyone will have an understanding of your wishes.*