

You should always keep a copy of the Advanced Medical Directive for yourself in a place that is safe and secure.

You should keep track of which professionals, facilities, Health Care Agent, family members or friends to whom you have given copies of your Advanced Medical Directive in case you want to change or revoke any or all of the specific instructions. You must ensure that all professionals, facilities, family members, friends and/or your appointed Health Care Agent have the most recent version of your Advance Medical Directive.



**Stanislaus County Board of Supervisors**

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Attachment A Brochure—English



**ADVANCE  
MEDICAL  
DIRECTIVES**

*GENERAL INFORMATION*



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## GENERAL INFORMATION

### What are Advance Medical Directives?

Advance Medical Directives are a means by which you can direct your own medical care even if you are incapacitated due to any medical condition and thus rendered unable to communicate for yourself. Individuals can utilize an Advance Medical Directive to specifically identify how they would prefer to have physical or mental health services to be provided to them. Advance Medical Directives can identify a specific person to make health care decisions for you, if you become incapacitated.

### Substitute Medical Decision Maker

You may appoint a Healthcare Agent as part of developing your Advance Medical Directive. The Healthcare Agent would be responsible to make health care decisions for you should you become incapacitated and thus lose the ability to make these decisions or communicate these decisions for yourself. The Healthcare Agent is responsible to carry out the specific instructions that you have included in your Advance Medical Directives.

The development of an Advance Medical Directive does not mean you must appoint a Healthcare Agent. In such cases where the Advance Medical Directive is developed without naming a Healthcare Agent, the professionals and facilities are obligated to follow the written directives you have made in your Advance Medical Directives.

### Individual Health Care Instructions

Individual health care instructions are a means by which you can indicate to your physician, your identified Healthcare Agent, and/or your family what your decisions and instructions are regarding your physical or mental health care. The instructions give directions to both health care professionals and facilities about the type of care you would prefer in any given situation.

You can change the specific instructions within the Advance Medical Directive by writing a new Advance Medical Directive, which includes the changes that you want to make. It must, however, include all the key legal requirements that are needed in order to be valid.

You can also revoke your Advance Medical Directive orally, by telling your healthcare provider or the facility that you no longer want to follow your current Advance Medical Directive or any specific parts of that Directive.

### Activation of an Advance Medical Directive

An Advance Medical Directive will go into effect when your physician determines that you do not have the “capacity” to make your own health care decisions. There are two criteria that are used to activate an Advance Medical Directive. First, the physician must believe that you are no longer able to understand the nature and consequences of any proposed medical or health care intervention. Secondly, the physician must believe that you are not able to communicate your decision regarding health care to the physician or the facility.

### Completion of Advance Medical Directive

If you are 18 years or older and you have the capacity to make health care decisions, you can develop an Advance Medical Directive. To make health care decisions, you must have the “capacity” to understand the nature and consequences of the proposed medical care, including the possible risks or the potential benefits of any given medical procedure. You must also be able to communicate these decisions to your health care provider.

### Key Legal Requirements for Advance Medical Directive

All of the following elements must be contained in an Advance Medical Directive in order to conform to the required legal requirements:

- A statement of the person’s intent to create an Advance Medical Directive;
- The signature of the person writing the Advance Medical Directive;
- The signature of two witnesses or a notary public; and
- The date when the Advance Medical Directive was signed.

### Copies of Your Advance Medical Directive

Each of your treating professionals or facilities should be given a copy of your Advanced Medical Directive to ensure that they are placed in each professional’s or facility’s medical record.

You should give a copy of the your Advance Medical Directive to your Health care Agent if you have decided to appoint one. You may want to consider giving a copy of your Advance Medical Directive to a family member or friend.