

## **DO YOUR ADVANCE DIRECTIVES NOW**

By

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This may be grim, but the fact of the matter is that because of the pandemic your chances of being gravely ill and unable to make and communicate your own decisions about medical treatment are greater now than ever.

You may be suddenly hospitalized. It may be suddenly necessary to insert a ventilator to keep you alive. You might no longer be able to communicate.

What then? How would anyone know how you wanted to be treated—what treatments you would agree to and what treatments you would not want.

Would you want to leave those decisions to emergency room or ICU physicians who do not know you? To the ethics committee at the hospital? Would you want the decision to be made by a relative you may or may not trust to make the decision you would want?

If you want to keep control of your health care, prepare an advance directive.

Advance directives are easy and free. You can find one on the Maryland Attorney General's web page (Google *Maryland Attorney General/Advance Directive*). Or, you can use Google to find a variety of templates that fit most religious or ethnic requirements. Or, you could just talk to your doctor in front of a witness. If none of those options work for you, you can write your own advance directive on a piece of paper and get two witnesses to sign it. That would be a perfectly legal document. (Note that an advance directive requires two witnesses; your health care agent cannot be a witness, and one of the witnesses cannot benefit from your death).

Although it is optional, you would probably want to designate an individual and a back-up individual to speak for you. That person is called your "health care agent". You can authorize your health care agent to make any and all choices for you, or you can specify that your health agent must follow your explicit written instructions.

The Attorney General's website gives these "examples of types of treatment you might [or might not] decide about—(a) life support, such as breathing with a ventilator, (b) efforts to revive a stopped heart or breathing (CPR), (c) feeding through tubes inserted into the body, and (d) medicine for pain relief."

<http://www.marylandattorneygeneral.gov/Pages/HealthPolicy/AdvanceDirectives.aspx>

Again, it is totally up to you whether you give specific instructions or authorize your health care agent to make any and all choices on your behalf.

Two caveats:

(1) Make sure your health care agent and backup agent know that they are your agent(s) and **have a conversation with them so that they know your wishes.**

(2) **Make sure your advance directive is not a secret.** If no one can find it, it might as well not exist. Copies are legal. Give a copy to everyone who might need to see it, i.e. your agents, your doctor, your lawyer, family members, your caregiver, staff at the residence where you live and get care.

If you chose to fill an advance directive out online, you won't even need witnesses; and if you use an online source, your advance directive would be available to all the doctors and hospitals in Maryland that are connected to the Maryland Health Care Commissions medical records system called CRISP (Chesapeake Region Information System for Our Patients). Currently the only online source meeting CRISP's regulations is MyDirectives, where you can upload paper advance directives, upload videos, or just fill out an advance directive form.

In addition to medical advance directives, people with a history of serious mental illness who are concerned about involuntary commitment or treatment should consider providing advance directives to be used if they are determined to be unable to make rational decisions. This includes designating a person to speak for you and specifying the treatment you hope to receive or not to receive. There is an Advance Directive for Mental Health Treatment on the Maryland Attorney General's web page.

So that's it. Advance directives may not be 100% foolproof; still, by being sure you have an advance directive now - before you need it –your voice can be heard, even if you cannot speak. In an emergency, everyone would know what treatments you would want and not want. Doctors and relatives would not have to guess, or second guess, what you want. And it would be clear who can and cannot speak for you. You owe this to yourself, your loved ones, and your physicians. DO IT NOW!

***This recommendation does not constitute legal advice. For more information the Maryland Attorney General's web page and search advance directives and/or download the Maryland Health Care Decisions Act.***

(Ted Meyerson is a Former Chair of the Maryland State Advisory Council on Quality Care at the End of Life. Michael B. Friedman is a retired social worker who taught at Columbia University School of Social Work prior to moving to Baltimore in 2019. Both are volunteer advocates for AARP of Maryland.)