

What Christian Scientists should know about Advance Health Care Directives

Arden Wood is providing this information to you about Advance Health Care Directives in order to assist you in understanding these documents and in deciding whether you wish to complete one for yourself. We recommend that you take time to consider whether you want to do so, to review any model document that you receive (including Arden Wood's), and, if you wish, to discuss it with your family, friends, and advisors, including any personal attorney that you might have.

Why should I have an Advance Health Care Directive?

An Advance Health Care Directive (AHCD) allows a person to specify another adult, in case of a belief of incapacity, to communicate and make health care decisions for him or her. It also allows a person to give specific directions about the type of health care that he or she wishes to receive for healing and treatment. For a Christian Scientist, having such a document prepared and in effect, prior to a time of need, is especially important. An AHCD also allows the individual to state in a legally recognized way his or her desire to receive health care in accord with the theology and practice of Christian Science, and to refuse medical treatment. Authorities are more apt to respect the wishes of a Christian Scientist to refuse medical care in favor of Christian Science treatment and care when an AHCD can be produced appointing a health care agent to act on the patient's behalf and stating the patient's directives for health care. An AHCD will also help protect the individual you have appointed to be your health care agent from liability for "failure to provide medical treatment" or "neglect" because he or she is following your written instructions.

In a Religious Non-Medical Health Care Institution, such as Arden Wood, having an AHCD in effect may be important for an individual who must sign or have a legal representative sign a Medicare Election Form in order to use Medicare benefits to pay for Christian Science nursing care.

It is advisable for every adult to have an AHCD in place. An AHCD that is created in California must contain certain elements in order to be valid. Various organizations such as the California Medical Association have created model off-the-shelf documents that are medically oriented. Arden Wood has worked with legal counsel to produce an AHCD that may be more useful for Christian Scientists living in California. Arden Wood will provide this document to you for your possible use. We recommend that you review the document thoroughly and make any necessary changes to it to make certain that it reflects your wishes. In addition, you should feel free to discuss it with family, friends, and advisors, including your attorney, before signing it. Individuals living in states other than California would be wise to determine whether this document meets the requirements of the state in which they reside and adapt it if necessary before signing it.

What exactly is an Advance Health Care Directive and how does it work?

In July 2000, a new California Health Care Decisions Law replaced the former laws governing Durable Powers of Attorney for Health Care. Under the new law, a form called the Advance Health Care Directive (AHCD) replaces the previous Durable Power of Attorney for Health Care (DPAHC) form.

The AHCD is not the same as a living trust or a living will, and if you have an AHCD you ordinarily would not need a living will for health care purposes. An AHCD allows you to appoint an agent to speak on your behalf if you appear not to be able to do so for yourself and to state your desires with respect to treatment.

If you have appointed an agent, but have not given that person clear directions as to your wishes, the agent will exercise his or her judgment if a need arises. You can also specifically limit your agent's authority in the AHCD form, beyond the protections already provided under California law. Of course, you – and not your agent – are responsible for paying for any treatment you receive.

Your AHCD will be valid indefinitely unless you include a specific termination date in the form. To revoke the AHCD after you sign it, you must communicate your intent to do so to those who may otherwise act upon it, including your health care agent and any alternate agent, your family and friends, and your health care provider, including Arden Wood if you are a resident there. You may revoke your designation of an agent by a signed written statement.

How do I decide whom to appoint as my Agent?

In California, any mentally competent person who is at least 18 years old and is acting of his or her own free will may appoint an agent and complete an AHCD. Individuals usually consider adults close to them whom they know understand and support their wishes regarding health care and treatment. Trusted adults, including a spouse, an adult child or friend are usually the best choices. You may not choose anyone who operates a religious non-medical health care institution, community health care facility or a residential care facility, or any employees of these facilities, unless that person is your relative. It is highly advisable for you to talk about the subject with your proposed health care agent before completing the AHCD form. You may also designate one or more alternate agents to serve in case the primary agent and any prior alternate agent cannot or will not make a medical decision for you.

Where should I keep my completed AHCD form?

After signing the AHCD and having it properly witnessed, you should keep the original in a safe place and give copies to the designated agent, any alternate agents, family members, and your physician and any health care facility of choice. Copies are as effective as the original. Be sure to bring a copy with you if you are going to be admitted to a hospital, nursing facility, or other health care facility. It is important to have properly completed an AHCD prior to being in a situation where it may be needed.