

# Kansas Legal Services

A non-profit law firm and community education organization helping low and moderate income people in Kansas



[www.kansaslegalservices.org](http://www.kansaslegalservices.org)

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## Health Care Directives

This page explains what Healthcare Directives are and briefly outlines each Advanced Directive option. Please see our [Services for Seniors](#) page for other topics of interest to seniors.

Be sure to check out our page [on Living Wills and Durable Power of Attorney for Health Care](#), which compares the two options and gives specific info.

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### Health Care Directives: What are they?

Healthcare Directives tell your loved ones and doctors how you want to be cared for in the event you become unfit to care for yourself. These cases can come up when you are, for example, in an accident or on life support.

These decisions include choice of doctors, decisions about whether to go to the hospital or be resuscitated, consent for organ donation and long term care. You can decide if someone can make decisions for you and appoint a specific person for that task.

In Kansas, your spouse is not automatically your power of attorney should you become unable to make those healthcare decisions.

Advanced directives include Healthcare power of attorney, living wills and do not resuscitate orders.

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### Healthcare Durable Power of Attorney:

- A signed, notarized or witnessed document.
- Allows you to name a person, an agent or proxy, to make healthcare decisions for you if you become disabled or incapacitated.
- You can be specific or general in the terms of the document as to what the powers of the agent are. These powers can include whether they can decide if you need to go to the hospital, what doctor to see, whether you need long term care, consent for life-sustaining procedures, organ donation, etc.

- Person signing the DPOA for HC must be 18 and competent when signing.
- Witnesses must be 18 and cannot be related to the person or have an interest in the person's estate.
- It becomes effective once the person becomes incapacitated.
- The agent may not revoke or cancel a person's living will.
- Make sure you talk to the person you have chosen about your wishes ahead of time. This way they can care for you in a way that reflects your wishes.
- For more info on DPOA for HC

## **Living Wills:**

- A signed, notarized or witnessed legal document.
- The living will provides that if two doctors agree that you will not recover from a terminal condition, your life will not be artificially prolonged. You will be allowed to die naturally.
- Medicine and procedures for comfort care will still be administered.
- Must be 18 and competent to execute.
- Witnesses must be 18 and cannot be the agent or relative of the person or have a financial interest in the estate.
- The Living Will applies only when the person has been diagnosed and certified as terminally ill by two doctors. One of the doctors is the patient's attending physician.
- Terminally ill tends to mean that death will probably occur within six months, regardless of whether life-sustaining measures are used.
- The Living Will does not apply to a person in a coma or persistent vegetative state unless the person is also diagnosed as terminally ill.
- For more info on Living Wills

## **Do Not Resuscitate Order:**

- A signed, dated and witnessed form.
- Lets an adult say in advance that, should their heart stops beating or if they stop breathing, they do not wish to have medical procedures done to restart that activity.
- This does not stop other emergency medical care from being given.
- Person must be 18 and competent when papers are signed to execute.
- Papers must also be signed by your attending physician.

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## **Can I change my advance directive?**

You may change or cancel your advance directive at any time, as long as you are held to be of sound mind to do so. Being of sound mind means that you are still able to think rationally and convey your wishes in a clear manner. Again, your changes must be made, signed and notarized according to Kansas law. Make sure that your doctor and any family members who knew about your directives are also aware that you have changed them.

If you do not have time to put your changes in writing, you can make them known while you are in the hospital. Tell your doctor and any family or friends present exactly what you want to

happen. Usually, wishes that are made in person will be followed in place of the ones made earlier in writing. Be sure your instructions are clearly understood by everyone you have told.

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### **Over the age of 60?**

Contact the **Elder Law Hotline** with any legal questions.

This is a toll-free service provided at no cost to you!

**1-888-35-ELDER (35337)**

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