

## CHECKLIST

- Talk to your spouse, adult children, family, friends, and doctors about what is important to you.
- Ask someone you trust to be your agent. Discuss your wishes with this person. Select another person to act as your alternative agent.
- Complete an Advance Health Care Directive.
- Have an individual not related to you witness your signature.
- Tell family, friends and doctors that you have an Advance Health Care Directive.
- Give copies to your agent, health care providers, family, close friends, and anyone else involved in your care.
- Have copies placed in your medical file.
- Add that you have a completed Advance Health Care Directive to your drivers license .

## RESOURCES

**NAMI Utah State Office**  
1600 West 2200 South, Suite 202  
West Valley City, UT 84119  
801-323-9900  
[www.namiut.org](http://www.namiut.org)

**National Hospice and Palliative Care Organization**  
HelpLine: 800.658.8898  
Spanish HelpLine: 877.658.8896  
<http://www.nhpco.org>

**Center On Aging: The University of Utah**  
30 North 1900 East, AB193 SOM  
SLC, UT 84132  
801.585.9540  
<http://aging.utah.edu/programs/utah-coa/directives>

**American Bar Assoc.: Commission on Law and Aging**  
740 15th Street, NW  
Washington, DC 20005-1022  
202.662.8690  
<http://www.abanet.org/aging>

## CONTACT INFO

Call: 888.949.4864  
Text: 385.474.8887

[ValleyCares.com](http://ValleyCares.com)



# Advance Health Care Directive

**Effective: September 18, 2019**

Valley Behavioral Health recognizes your right to give written and verbal instructions regarding your Health Care treatment and other medical care.

This is done in compliance with the Utah Advance Health Care Directive Act.



# ANSWERS TO

# FREQUENTLY ASKED

# QUESTIONS

## WHAT IS AN ADVANCE HEALTH CARE DIRECTIVE?

An Advance Health Care Directive is a legal document that allows you to let others know your health care preferences if you are unable to, due to either physical or mental health symptoms. Utah's Advance Directive has four parts:

- Part I: Allows you to name another person to make health care decisions for you when you cannot make decisions or speak for yourself.
- Part II: Allows you to record your wishes about health care in writing.
- Part III: Tells you how to revoke or change this directive.
- Part IV: Makes your directive legal.

## WHEN CAN I FILL OUT MY ADVANCE CARE DIRECTIVE?

You must be age 18 or older and mentally capable at the time to declare your instructions regarding health care treatment.

## HOW DO I FILL OUT MY DIRECTIVE?

Obtain an Advance Health Care Directive from your case manager or therapist.

- Consider the treatment you wish to receive when you are unable to make a decision.
- Decide who you want as your agent.
- Ask an individual to witness that you signed your Advance Health Care Directive in their presence, and you appear to be of sound mind and not under duress - the witness cannot be a relative.

## DO I NEED A LAWYER?

No. A lawyer is not needed to complete an Advance Health Care Directive.

## WHO MAY BE MY AGENT (ATTORNEY-IN-FACT)?

You may appoint any person you want except your medical or mental health provider(s), an employee of the State Division of Substance Abuse, or any staff member of Valley Behavioral Health. If you do not want to ask a relative or friend to act as your agent, you may ask for a volunteer from your local chapter of NAMI of Utah.

## WHAT ARE THE RESPONSIBILITIES OF AN AGENT?

Your agent's power begins when you cannot make or communicate health care decisions for yourself. A physician who has personally examined you must find that you lack the capacity to make a health care decision. To have capacity, you must be able to:

- Understand your medical condition.
- Understand the risks and benefits of your treatment choices.
- Weigh the risks and benefits to form a choice about treatment.
- Communicate your choice to your health care provider.

You may continue to make your own health care decisions if you disagree with the physician's finding. You may be involved in making decisions as long as you want even if you have been found to lack capacity. Your agent and health care providers should try to include you in your health care decisions for as long as you want, even if your decision making capacity is impaired.

## WHEN DOES MY AGENT'S POWER END?

When you have the ability to make your own choices, or when you either revoke your Advance Directive, name a new agent, or disqualify your agent.

## HOW DO I CANCEL OR REVOKE MY ADVANCE HEALTH CARE DIRECTIVE?

You may revoke your directive even if a physician has found that you lack health care decision making capacity. Here's how:

- Revoke your Advance Directive in the presence of a witness. The witness must be 18 years or older and not your agent or alternative agent.
- Complete a new Advance Directive. If you sign a new directive the most recent one applies.
- Sign a written revocation or write 'void' across your Advance Directive.

Tell your health care provider or health care facility you have revoked your Advance Directive. Give them a copy of your new directive once it is complete.

## DO I HAVE TO HAVE AN ADVANCE HEALTH CARE DIRECTIVE?

No. Utah law does not require you to have an Advance Health Care Directive.

