

Advance Care Planning

New York State Living Wills

The first forms of written advance directives for health care were written in the United States in 1969 and were called “Living Wills.” The name and idea came from estate law, meaning that the person making the wishes is not able to speak for him or herself when the directives take effect. Today the term is often used to cover all forms of advance directives for health care and is sometimes confused with Health Care Proxies.

The Living Will is a written request to be followed in a future situation. It spells out specific instructions about medical care to be followed if the writer of the Living Will is unable to speak for him or herself.

The Health Care Proxy appoints a health care agent to speak for the person who cannot speak for him or herself. The New York State Health Care Proxy form allows for limitations on the health care agent’s power and for adding specifics regarding treatments. In New York State you can complete a combined [Health Care Proxy and Living Will](#), which allows you to name health care agents and document specific wishes for end of life care.

The Health Care Proxy in which you appoint a health care agent is the advance directive of choice. Living Wills and combined documents can be useful as a starting point for conversation and to help you think through important issues. However, Living Wills and combined documents can create confusion in a clinical setting. It is not always easy for the medical staff to interpret the nuances of a Living Will. It is more practical and effective to turn to an appointed health care agent and ask for instructions.

Your agent, who knows you well, can make decisions based on the wishes you have discussed, and can make the decision so it suits your overall values.

If a Living Will is written it is helpful to end it with this statement, which reconfirms the power that your health care agent already has: *“If there are any questions about the interpretation of the above directives, I want my health care agent to make any and all decisions for me.”*