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on Euthanasia and Assisted Suicide

Advance Directives

ADVANCE DIRECTIVE

An advance directive is a document by which a person makes provision for health care decisions in the event that, in the future, he/she becomes unable to make those decisions.

There are two main types of advance directive -- the "Living Will" and the "Durable Power of Attorney for Health Care." There are also hybrid documents which combine elements of the Living Will with those of the Durable Power of Attorney.

LIVING WILL

A Living Will is the oldest type of health care advance directive.

It is a signed, witnessed (or notarized) document called a "declaration" or "directive." Most declarations instruct an attending physician to withhold or withdraw medical interventions from its signer if he/she is in a terminal condition and is unable to make decisions about medical treatment.

Since an attending physician who may be unfamiliar with the signer's wishes and values has the power and authority to carry out the signer's directive, certain terms contained in the document may be interpreted by the physician in a manner that was not intended by the signer.

Family members and others who are familiar with the signer's values and wishes have no legal standing to interpret the meaning of the directive.

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DURABLE POWER OF ATTORNEY FOR HEALTH CARE

A Durable Power of Attorney for Health Care is a signed, witnessed (or notarized) document in which the signer designates an agent to make health care decisions if the signer is temporarily or permanently unable to make such decisions.

Unlike most Living Wills, the Durable Power of Attorney for Health Care does not require that the signer have a terminal condition.

An agent must be chosen with great care since the agent will have great power and authority to make decisions about whether health care will be provided, withheld or withdrawn from the signer.

It is extremely important that the signer carefully discuss his/her values, wishes and instructions with the agent before and at the time the document is signed. Such discussions may also continue after the document is signed.

It is also important that the agent be willing to exercise his/her power and authority to make certain that the signer's values, wishes and instructions are respected.

COMBINATION ADVANCE DIRECTIVE

A combination advance directive is a signed, witnessed (or notarized) document which contains specific written directions that are to be followed by a named agent.

Since it is not possible to predict all circumstances that may be faced in the future or to cover all possible interventions, specific directions may severely limit

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the discretion and flexibility that the agent needs and may restrict the agent's authority in a way the signer did not intend.

In addition, the specific written directions may not be altered through discussions between the signer and the agent. Any changes necessitate a new document to reflect nuances or changed directions.

It is important that all adults consider who will make medical decisions for them if they are temporarily or permanently unable to make them for themselves.

Unless a person has an advance directive, many health care providers and institutions will make critical decisions for him/her or a court may appoint a guardian who is unfamiliar with the person's values and wishes.

PROTECTIVE MEDICAL DECISIONS DOCUMENT (PMDD)

The PMDD is a protective Durable Power of Attorney for Health Care which is available from the International Task Force on Euthanasia and Assisted Suicide.

In the PMDD the signer names a trusted person to make health care decisions in the event that the signer is temporarily or permanently unable to make such decisions.

The PMDD, which specifically prohibits assisted suicide and euthanasia, is available in a Multi-State version for use in most states. It is also available in state-specific versions for states where particular requirements make a state-specific version necessary.

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Safeguarding Your Healthcare Decisions

by Rita L. Marker

A lot of people think advance planning about health care is only for those who are very sick or very old. But that's not the case at all. **It's absolutely essential that anyone who is 18 years old or older have an advance directive — but not just any type of advance directive.**

Suppose, after you finish reading this column, you walk across the street and a car hits you. If you are badly injured and you can't make health care decisions for a few days, who will make them for you?

Unless you have specifically named someone to make decisions for you, you run the risk that a health care provider or some committee could end up making critical decisions affecting your life and health. That's why it's important to have an advance directive.

There's another reason, too. Federal law requires hospitals to inform all adults — the woman in labor, the young man undergoing physical therapy for a soccer injury, the person who has a life-threatening condition — about advance directives upon admission.

Many health facilities go beyond providing simple information. They actually give patients a Living Will to sign at the time of admission — at the very time they're under stress and are filling out pages and pages of other required forms. Signing an advance directive under those conditions is very risky.

It's so important that you have the type of advance directive that will protect you.

And it's vital that you only sign such a document after you've been able to

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review it at your leisure.

There are many types of advance directives, and some, like the "Living Will" are downright dangerous.

The Living Will (sometimes called a directive or a declaration) is a document that gives power and authority to an "attending physician" to withhold or withdraw medical interventions under certain circumstances. Because your attending physician may be a total stranger who is completely unfamiliar with your values and wishes, that physician may interpret terms in the document in a way you didn't intend. Your family and others who know your wishes have no legal standing to interpret the meaning of the document. Other "directives" or "declarations" have wording that is so vague that they are open to broad interpretation (or misinterpretation).

The most protective and the most flexible type of advance directive is the Durable Power of Attorney for Health Care. With this type of document, you designate someone else to make health care decisions on your behalf if you're temporarily or permanently unable to make these decisions for yourself. The person you name is called your "agent."

But, remember, a Durable Power of Attorney for Health Care is a legal document. As with any legal document, its wording is extremely important.

That's why the International Task Force formulated the Protective Medical Decisions Document (PMDD), a Durable Power of Attorney for Health Care that includes specific wording to protect a signer's rights in the current medical climate.

The PMDD specifically prohibits assisted suicide and euthanasia. It is available in a Multi-State version for use in most states. It is also available in state-specific versions for states where particular requirements make a state-

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specific version necessary.

For example, nowadays some health providers have taken it upon themselves to put Do Not Resuscitate (DNR) orders in place without the patient's or agent's authorization. Similarly, some health care providers are deciding what is "appropriate" or "beneficial" based on institutional cost-containment considerations, not on the basis of what is best for, or wanted by, the patient. So the PMDD makes it clear that DNR orders and decisions about what is "appropriate" or "beneficial" are to be made only by your agent (and only if you're not able to do so yourself).

The document limits your agent's authority in one specific way. Unlike other advance directives, the PMDD clearly states that your agent does not have the authority to approve the direct and intentional ending of your life. For example, your agent may not authorize that you be given an intentional drug overdose. Furthermore, your agent may not direct that you be denied food or fluids for the purpose of causing your death by starvation or dehydration. This limitation not only protects you, but it also protects your agent from being subjected to pressure to authorize such actions or omissions.

Taking the time now to name someone to make health care decisions for you takes only a few minutes, far less time than preparing for a snowstorm or a tornado. And it can be just as important.

To obtain a PMDD, call the International Task Force (800-958-5678) or see the International Task Force [order information](#).

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Rita L. Marker is an attorney and executive director of the International Task Force on Euthanasia and Assisted Suicide

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Protective Medical Decisions Document

What is the Protective Medical Decisions Document (PMDD)?

The PMDD is a protective Durable Power of Attorney for Health Care which is available from the International Task Force. It is a document in which you name someone you trust (a family member or a close friend) to make health care decisions for you if you are ever permanently or temporarily unable to make such decisions for yourself.

What makes a PMDD necessary?

The following are some of the reasons that a PMDD is necessary:

1. Federal regulations require every hospital and health program that receives any Medicare or Medicaid funds to inform you, upon admission, of your rights regarding an advance directive. As a result, many facilities are giving patients a Living Will or Durable Power of Attorney to sign at the time of admission -- when you're naturally under stress and you're filling out other paperwork.
2. Many hospitals are instituting "futile care" guidelines which may preclude the wishes of a patient who is unable to communicate. The PMDD specifically states that the meanings of "beneficial" and "appropriate" care are to be left to the agent who knows the values and wishes of the signer.
3. An effort is underway across the country to add euthanasia and assisted suicide to end of life options. The PMDD specifically prohibits euthanasia and assisted suicide.
4. Previously, family members were automatically considered the decision makers for a loved one. This is rapidly changing. Unless you have named someone as

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your agent to make decisions for you if you can't give informed consent, a health care provider or court appointed guardian who doesn't know your values and wishes may make critical decisions for you.

Taking the time now to sign a PMDD will assure you that you have carefully chosen the family member or friend who will protect your best interests if you can't speak for yourself.

Who should have a PMDD?

It's a good idea for every person who is 18 years old or older to have a PMDD. Many people assume that such a document is only necessary for the elderly or for the seriously ill, but people of any age or health condition could be in an accident after which they could be temporarily or permanently unable to make their own health care decisions.

How does the PMDD differ from a "Living Will"?

The PMDD is a Durable Power of Attorney for Health Care. A Living Will is a document, often called a "declaration" or a "directive," in which the signer gives power and authority to an "attending physician" to withhold or withdraw medical interventions under certain circumstances. Because the "attending physician" may be a total stranger who is completely unfamiliar with the signer's values and wishes, terms in the document may be interpreted by the physician in a manner that was not intended by the signer. Also, with the Living Will, family members and others -- who are familiar with the signer's values and wishes -- have no legal standing to interpret the meaning of the directive.

Are there any limitations on my agent's authority?

Yes, the PMDD limits your agent's authority in one specific way. It makes it clear that your agent does not have the authority to approve the direct and intentional ending of your life.

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For example, your agent may not authorize that you be given a lethal injection or an intentional lethal drug overdose. Further, your agent may not direct that you be denied food or fluids for the purpose of causing your death by starvation or dehydration.

This limitation not only protects you but also protects your agent from being subjected to pressure to authorize such actions or omissions.

If I'd like to give my agent other directions or express other special provisions, should I add these in writing to my PMDD?

Although you may legally add other provisions in writing, you are advised not to do so.

The "Statement of Special Provisions, Directions and Limitations" found in the PMDD lists those areas where specific language is necessary in the current medical climate.

For example, some health providers have taken it upon themselves to put DNR orders in place without the patient's or agent's authorization. Similarly, some health providers, ethics committees and health facilities are deciding what is "appropriate" or "beneficial" based on quality-of-life decisions that may be at variance with a patient's values. Thus, the PMDD makes it clear that DNR orders and decisions about what is "appropriate" or "beneficial" are made only by the agent (if the PMDD signer is not able to do so).

Since it is not possible to predict all circumstances that may be faced in the future and it is not feasible to cover all possible interventions, adding specific written directions may severely limit the discretion and flexibility that your agent needs and may restrict your agent's authority in a way you didn't intend. In addition, if you add specific written directions you won't be able to alter them through discussions between you and your agent. You would have to execute an

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entirely new document.

Instead of including any additional provisions or directions in writing, discuss them in detail with your agent both when you sign your PMDD and after periodic review of your document.

Who may serve as my agent?

It is important to select your agent carefully. Although an agent is also called an attorney-in-fact, that person need not be an attorney.

You may wish to select a spouse, other family member or close friend as your agent. Your agent should be an adult who shares your values and whom you trust to make decisions on your behalf. He/she also should be a person who will be comfortable asserting your rights.

Do I need more than one agent?

You are not required to name more than one agent but it is a good idea to name one or two alternates so that, if your agent is not available or is incapacitated, an alternate may act on your behalf. Alternates should be selected with the same degree of care as your primary agent.

How many sets of PMDD documents should I sign?

You should give a completed, witnessed and signed PMDD to each person who may need it to make decisions for you. This would definitely include your agent and any alternate agent(s). You may also wish to give a document with an original signature to your primary care physician. (Do not keep your PMDD in a safe deposit box or any other place that is inaccessible.)

Be sure to write down the name of each person to whom you've given your

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PMDD. That way, if you want to revoke or change your PMDD you can easily contact those who have existing documents.

Why does the PMDD specify that photocopies of my signed document aren't considered valid?

Your PMDD limits the use of photocopies to use for informational purposes only. By requiring valid documents to have original signatures, you are protected if you decide to revoke your PMDD or designate someone else to be your agent. You need only retrieve and destroy those few signed documents. On the other hand, if photocopies of your signature were valid, you would have no way of knowing how many photocopies were made by others or to whom they were given.

Is the PMDD valid in every state?

The multi-state version of the PMDD conforms with the laws of most states. Some states, however, have specific statutory requirements for a durable power of attorney for health care. The ITF distributes PMDDs specifically drafted to meet technical requirements in AL, CA, IN, MI, MN, NE, NH, NC, ND, OH, OK, SC, TX, WV and WI, and is preparing documents to meet the requirements of other states with special provisions.

You have the legal and moral right to name someone to make health care decisions for you if you are unable to do so for yourself. A PMDD provides you with the means for doing so. Even if your state has special requirements and a state specific PMDD is not yet available, signing a multi-state PMDD will serve as a guide to health care professionals. It will put them on notice that you have selected a specific person to speak on your behalf.

If I have signed a PMDD in one state and move to a state that has different statutory requirements, do I need to sign a new PMDD? No. If your PMDD was valid in the state where you signed it, it will be honored in

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another state.

How can I get a PMDD?

PMDD packets are available from the ITF. Each packet contains a question and answer sheet, a checklist, three PMDD documents and a Protective Identification Card.

You can write or phone the ITF and request a packet, or you may print out and fax a signed copy of the ITF **order form**.

Be sure to designate which version of the PMDD (multi-state or AK, AL, CA, CT, DE, IN, MI, MN, MO, NC, ND, NE, NH, NV, OH, OK, OR, SC, TN, TX, WV, WI) you want. PMDD packets are \$8 each plus postage and handling.

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Importance of Having an Advance Directive

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Order Information

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Print **Order Form**, mail to:

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P.O. Box 760
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VHS video. Running time 14:48

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Protective Identification Card

Wallet sized card stating that the signer opposes euthanasia and assisted suicide and wants no intervention or drugs intended to end life.

For a single card, send a self-addressed stamped envelope and a request for the card. 100 cards.

\$7.00 (includes postage and handling).

Protective Medical Decisions Document (PMDD)

International Task Force's Durable Power of Attorney for Health Care by which the signer may name an agent to make health care decisions in the event that the signer is unable to do so. The document expressly defines and prohibits euthanasia.

Available only in sets.

Each PMDD set includes questions and answers, a checklist, 3 PMDD documents and one Protective Identification Card.

Available in Multi-State version and state-specific versions for AK, AL, CA, CT, DE, IN, MI, MN, MO, NC, ND, NE, NH, NV, OH, OK, OR, SC, TN, TX, WV, WI.

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