

Who Do I Contact With Additional Questions?

Seniors 60 and over
Call: 1-866-621-9886
Others Call: 1-800-634-5263

Legal Services of North Dakota

Minot Law Office
720 Western Ave Suite 101
Minot, ND 58701

Bismarck Law Office
418 E Broadway #25
Bismarck, ND 58501

Fargo Law Office
112 N University #220, PO Box 1327
Fargo, ND 58107-1327

Grand Forks Law Office
215 N 3rd Street, Ste. 200
Grand Forks, ND 58203

Belcourt Law Office
BIA Road 7 Bldg 85, PO Box 1365
Belcourt, ND 58316-1365

New Town Law Office
345 Main St, PO Box 217
New Town, ND 58763-0217



LEGAL SERVICES
of North Dakota

You may apply for legal services by
completing our online website application.

Visit our website at www.legalassist.org.

What Is A Health Care Directive?



General Information - Flyer #892

DISCLAIMER: This information is not legal
advice. If you have a legal problem, you
should talk to a lawyer and ask for advice
about your options.

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What is a Health Care Directive?

It is a document in which you (the principal) appoint someone (the agent) to make health care decisions for you. It contains your wishes on the medical treatment you do or do not want to receive.

What Health Care Decisions Can Your Agent Make?

Your agent can make all health care decisions including the withholding of life support systems, subject to any limitations you place on the agent.

Your agent can only make decisions when you are unable to make your own decisions. This is determined by your doctor and must be in writing.

You may authorize your agent to make Health Care decisions even when you're able to make your own decisions.



What Are My Agent's Responsibilities In Carrying Out My Wishes?

- ◆ Your agent must follow your wishes as stated orally, and in the Health Care Directive.
- ◆ If your wishes are unknown, the agent must make health care decisions with your interests in mind.

Are There Any Health Care Decisions The Agent Cannot Make?

- ◆ The agent cannot consent to psychosurgery, abortion, or sterilization, unless approved by a court.
- ◆ The agent cannot place you in a mental health facility or state institution for more than 45 days, without a mental health proceeding or court order.

Who Should I Appoint As My Agent?

- ◆ You should appoint someone whom you trust to carry out your wishes.
- ◆ You can also appoint an alternate agent. An alternate agent can carry out your wishes if your agent cannot act, or withdraws and you cannot appoint another agent.



Is There Anyone I Cannot Appoint As My Agent or Alternate Agent?

You cannot appoint your health care provider, your long-term care provider, or a non-relative employee of these providers.

What Do I Do With My Health Care Directive?

Make copies and give the Health Care Directive to all your health care providers (hospitals, clinics, etc.)

How Do I Know That My Doctor Or Health Care Provider Will Follow My Agent's Decisions?

Your doctor or any other health care provider must follow the directives of your agent.

- ◆ If they will not follow the directive, they must inform you, if possible, and your agent.
- ◆ The provider must then transfer your care to another provider who is willing to follow the directive.

When Does a Health Care Directive End?

It ends when you die or when you revoke it.

