

When Does A Health Care Directive End?

It ends when you die or at the time you revoke it in writing. ***It does not remain in effect after your death for any purposes.***

How To Obtain Health Care Directives

One way to obtain a Health Care Directive or a Durable Power of Attorney for Financial Matters, is to contact Legal Services of North Dakota's central intake at 1-800-634-5263 or if you are over 60 1-866-621-9886.

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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Prepared by Legal Services of North Dakota in conjunction with Guardian and Protective Services, Inc.

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

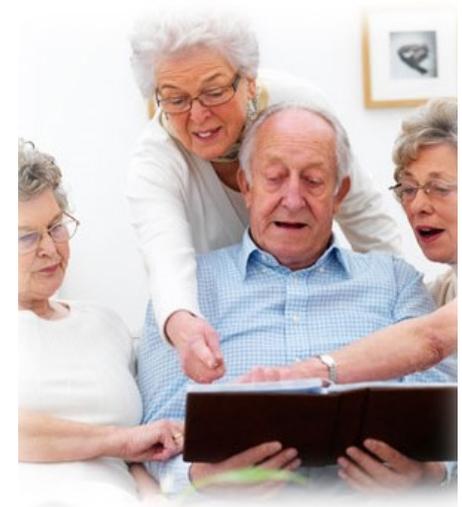


LEGAL SERVICES
of North Dakota

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

Visit our website at www.legalassist.org.

Questions and Answers on Health Care Directives Under North Dakota Law



General Information - Flyer #893

Questions And Answers On Health Care Directives Under North Dakota Law

Under North Dakota law, a Health Care Directive (or as they use to be called Health Care Powers of Attorney) is a document that legally helps family, friends, physicians, clergy and others better understand what you want done when you are unable to communicate, and allows them to carry out your wishes. Automobile accidents, strokes, heart attacks, aneurisms and hunting accidents are just some examples of situations that leave a person in a position where they cannot communicate their health care wishes at a critical time. Health Care Directives can accomplish a lot.

Two major benefits of a Health Care Directive are:

- It allows you to name someone you trust to make health care decisions for you when you cannot.
- It allows you to predetermine what type of medical treatments you want or do not want in advance.

Let's take a look at some frequently asked questions and answers regarding health care directives in North Dakota.

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 regarding the medical treatment you do or do not wish 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 should only make decisions when you are unable to make your own decisions. This is determined by your doctor and must be in writing.

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 best 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. It is recommended that you 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 Should I Do With My Health Care Directive?

Make copies and give the Health Care Directive to all your health care providers (hospitals, clinics, etc.) and the person you appoint as your agent. When traveling, carry a copy with you.

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.