

## **WHAT IS A LIVING WILL, AND WHY YOU SHOULD INQUIRE ABOUT ONE TODAY**



Modern advancements in medicine have made it possible for us to live longer than ever before. While these advancements have substantially extended our lives, such an extension may not be desirable because it may lower our quality of life and result in a loss of our dignity. Since all competent adults have the right to make their own medical decisions, you may want to tell your doctor now not to take heroic or extraordinary means to prolong your life in the future if you become ill and there is no hope for your eventual recovery. You can do this by preparing a living will.

### ***“What is a living will?”***

A living will is a legal document in which you direct your doctor to withhold or withdraw life-sustaining treatment, whose only purpose is to prolong your dying process, if you are in a terminal condition or a state of permanent unconsciousness.

### ***“Who can prepare a living will?”***

You can prepare a living will if you are of sound mind and are at least 18 years of age, or have graduated from

high school, or are married. You must sign your living will in the presence of two witnesses who are both at least 18 years of age.

### ***“What medical treatment can I refuse in my living will?”***

You can refuse all medical treatment including but not limited to cardiac resuscitation, artificial feeding, blood, kidney dialysis, antibiotics, surgery, diagnostic tests, and mechanical respiration. You can, however, direct your doctor to administer only treatment that will keep you comfortable and alleviate your pain.

Also in your living will, you can designate another individual, known as your surrogate, to make medical decisions for you if you are unable to do so yourself.

### ***“When does my living will become operative?”***

Your living will becomes operative when you or another individual provides a copy of it to your doctor, and your doctor determines you to be incompetent and in a terminal condition or a state of permanent unconsciousness. At that time, your doctor has to act in accordance with the instructions outlined in your living will. If your doctor cannot in good conscious follow the instructions in your living will, your doctor must inform you or your surrogate of this fact. At that time, your doctor is required to assist you in finding another doctor who will comply with the instructions in your living will.

***“Can I revoke my living will?”***

Yes. You may revoke your living will at any time and in any way without regard to your mental or physical condition. Revocation is effective at the time it is communicated to your doctor by you or by a witness to the revocation.

***“If I do not have a living will, will my doctor continue to order treatment to prolong my dying process?”***

Not necessarily. Your failure to prepare a living will will not raise any presumption as to your intent to consent to or refuse life-sustaining medical treatment. In fact, in one Pennsylvania case, the court permitted a close relative with the consent of two physicians to remove life-sustaining treatment from the patient who had no living will and was in a persistent vegetative state.

***“Can my doctor refuse to treat me if I do not have a living will?”***

No. Your doctor cannot require you to have a living will as a condition to provide treatment to you. Also, your doctor cannot charge you a different fee for providing treatment to you if you do not have a living will.

***“If I have a living will and am involved in a serious accident, will emergency medical personnel refuse to treat me?”***

No. Emergency medical personnel will provide any and all treatment necessary to save your life. Your living will does not apply until it becomes operative, i.e., your doctor determines you to be incompetent and in a terminal condition or in a state of permanent unconsciousness.

In summary, A living will lets you to decide now what medical treatment you want in the future if you become incompetent and are in a terminal condition or a state of permanent unconsciousness. It helps to eliminate uncertainty regarding your desire for specific medical treatment, and provides guidance to your doctors and family members. Failure to prepare a living will may cause increased stress on your loved ones who are left to decide the proper medical treatment for you.

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Learn about the "27 Costly Misconceptions About Planning for Your Senior Years" and other important information by visiting our website at [www.GummerElderLaw.com](http://www.GummerElderLaw.com).

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