

Advance Health Directives in North Dakota

A Guide for People with Disabilities, Families, and Supporters

Introduction

This guide provides information about advance health directives in North Dakota. It is intended for people with disabilities, families, and supporters.

What is an Advance Health Directive?

An advance health directive is a legal document that allows you to make decisions about your future health care. It can include a living will and a durable power of attorney for health care.

Why is it Important?

It ensures your wishes are known and respected if you cannot communicate them yourself. It provides guidance for your family and health care providers.

Key Definitions

Living Will: A document that outlines your wishes regarding medical treatment in the event you are unable to make decisions for yourself.

Health Care Durable Power of Attorney: A document that names a person to make health care decisions for you if you are unable to do so.

Health Care Agent: The person you name in your durable power of attorney for health care to make health care decisions for you.

Decision Making Roles Summary

Decision-making roles are important because they help ensure a person's wishes are understood, respected, and carried out when they need support. Having the right roles in place protects autonomy, provides clarity during medical or life decisions, and helps everyone involved know how to best support the individual's values and preferences.

Health Care Agent

- Chosen by the individual in an Advance Health Care Directive
- Makes medical decisions only if the person cannot communicate
- Reflects the person's stated wishes

Guardianship

- Court-ordered legal arrangement
- Guardian may make decisions about medical care, living arrangements, and services
- Can be full or limited authority
- An Advance Directive still helps express the person's preferences

Supported Decision-Making

- Person makes their own decisions with support
- Supporters may include family, friends, or professionals
- Supporters help explain information, explore options, and communicate decisions

Choosing a Health Care Agent

A Health Care Agent is someone you choose to make medical decisions for you if you are unable to do so.

Choose someone who:

- Knows you well
- Understands your values and preferences
- Is willing to speak up for you
- Can handle stressful situations calmly

You should talk with this person about:

- What quality of life means to you
- What types of medical treatments you would want
- Situations where you might want treatment to continue or stop

You may also choose an **alternate agent** in case your first choice is not available.

Understanding Medical Treatments & Choices

When completing an Advance Health Directive, it can help to understand some common medical treatments that may be used during serious illness or injury.

CPR (Cardiopulmonary Resuscitation): Used when the heart stops. It may include chest compressions, breathing support, or electric shocks. CPR can save lives but can be physically hard on the body, especially for people who are very ill.

Ventilators: Machines that help a person breathe when they cannot breathe on their own. They can be used short-term or long-term.

Feeding Tubes: Provide nutrition when someone cannot safely eat or swallow. Tubes may be temporary or long-term.

Dialysis: Removes waste and extra fluid from the blood when kidneys are not working properly.

IV Fluids and Medications: Used to treat dehydration, infections, or other medical needs.

Comfort Care: Focuses on quality of life, pain relief, emotional support, and reducing discomfort. Hospice may be included.

Do Not Resuscitate (DNR): Some forms ask about a DNR order. A DNR means doctors will not perform CPR if your heart or breathing stops. Without a DNR, medical teams usually attempt CPR.

Before choosing a DNR, it is important to:

- Talk with your doctor
- Talk with your health care agent
- Ask questions about what CPR involves

A DNR applies **only** to CPR and does not stop other medical care.

Questions to Ask Your Doctor

Talking with a doctor can help you understand medical decisions and treatment options.

Questions you might ask include:

- What does CPR involve?
- How successful is CPR for someone in my situation?
- What happens if someone is placed on a ventilator?
- What treatments would I still receive if I choose a DNR?
- What medical decisions might my health care agent need to make for me?

Starting the Conversation

Talking about future medical care can feel uncomfortable, but it helps ensure that your wishes are understood. Having these conversations before a crisis happens helps everyone feel more prepared.

You might start by saying:

To family or friends: “I want to talk about my health care wishes so people know what I would want.”

To your health care agent: “I chose you because I trust you and want you to understand my wishes.”

To a doctor: “I am filling out an Advance Health Directive and want to make sure I understand my options.”

Steps to Create an Advance Health Directive

Follow these steps to create your advance health directive:

Consider Your Values and Wishes: Think about what is important to you regarding your health care. Consider different scenarios and treatments.

Discuss with Loved Ones and Health Care Providers: Talk to your family, friends, and health care providers about your wishes. Ensure they understand your values and preferences.

Complete the Advance Health Directive Form: Use the North Dakota advance health directive form or consult an attorney to create a customized document.

Sign and Witness the Document: Sign your advance health directive in the presence of two adult witnesses who are not related to you and who would not inherit from you. It is best to avoid having your health care agent witness the document.

Provide Copies to Relevant Parties: Give copies of your advance health directive to your health care agent, family members, health care providers, and any other relevant parties.

Key Things to Remember

- Advance care planning ensures your values and choices guide your future medical care.
- Important Reminders:
 - Read all forms carefully before signing
 - Avoid choosing a DNR unless you fully understand it
 - Talk with your health care agent about your wishes
 - Ask your medical team questions whenever something is unclear
 - Share copies of your directive with trusted people
 - Review and update your directive as your wishes change
- Having open conversations is essential. Clearly communicate your values and preferences, ask questions to understand your options, and listen to input from loved ones and providers as you make decisions.