

# **GEORGIA**

## **Advance Directive**

### **Planning for Important Health Care Decisions**

CaringInfo  
1731 King St., Suite 100, Alexandria, VA 22314  
[www.caringinfo.org](http://www.caringinfo.org)  
800/658-8898

CaringInfo, a program of the National Hospice and Palliative Care Organization (NHPCO), is a national consumer engagement initiative to improve care at the end of life.

#### **It's About How You LIVE**

It's About How You LIVE is a national community engagement campaign encouraging individuals to make informed decisions about end-of-life care and services. The campaign encourages people to:

- L**earn about options for end-of-life services and care
- I**mplement plans to ensure wishes are honored
- V**oice decisions to family, friends and health care providers
- E**ngage in personal or community efforts to improve end-of-life care

**Note:** The following is not a substitute for legal advice. While CaringInfo updates the following information and form to keep them up-to-date, changes in the underlying law can affect how the form will operate in the event you lose the ability to make decisions for yourself. If you have any questions about how the form will help ensure your wishes are carried out, or if your wishes do not seem to fit with the form, you may wish to talk to your health care provider or an attorney with experience in drafting advance directives.

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## INTRODUCTION TO YOUR GEORGIA ADVANCE DIRECTIVE FOR HEALTH CARE

This packet contains the **Georgia Advance Directive for Health Care**, which protects your right to refuse medical treatment that you do not want or to request treatment you do want, in the event you lose the ability to make decisions yourself. The form contains three parts, any number of which may be filled out, and a fourth signature page that must be filled out for any of the three other parts to be effective.

**Part One: Health Care Agent.** This allows you to choose someone to make health care decisions for you if you cannot (or do not want to) make health care decisions for yourself. You may also have your health care agent make decisions for you after your death with respect to an autopsy, organ donation, body donation, and final disposition of your body.

Your health care agent's power becomes effective when your doctor determines that you are no longer able to make or communicate your health care decisions or when you decide to have your health care agent make decisions for you.

**Part Two: Treatment Preferences.** This part allows you to state your treatment preferences if you are (1) unable to communicate your treatment preferences, and (2) your physician and one other physician determine that you either have a terminal condition or are in a state of permanent unconsciousness. If you also have a health care agent, then your agent is authorized to make all decisions discussed in Part Two, but will be guided by your written Treatment Preferences as well as any other factors you may have listed in section 4 of Part One.

**Part Three: Guardianship.** This part allows you to nominate a person to be your guardian should one ever be needed.

**Part Four: Signatures.** This part needs to be filled out in order to make any of the three other parts effective. All three preceding parts are optional. You are free to fill out any or all of them.

These forms do not expressly address mental illness. If you would like to make advance care plans involving mental illness, you should talk to your physician and an attorney about a durable power of attorney for mental health care.

Note: These documents will be legally binding only if the person completing them is a competent adult, at least 18 years old, or an emancipated youth.

## **COMPLETING YOUR GEORGIA ADVANCE DIRECTIVE FOR HEALTH CARE**

### **How do I make my Advance Directive for Health Care legal?**

The law requires that you sign your document, or another person signs it in your presence and at your express direction, in the presence of two witnesses who must be at least 18 years of age and of sound mind.

Your witnesses cannot be your health care agent, someone who will knowingly inherit anything from you or otherwise gain a financial benefit from your death, or someone who is directly involved in your health care.

Only one witness can be an employee, agent, or medical staff member of the facility in which you are receiving health care.

Note: You do not need to notarize your Georgia Advance Directive for Health Care.

### **Whom should I appoint as my agent?**

Your health care agent is the person you appoint to make decisions about your medical care if you become unable to make those decisions yourself. Your health care agent may be a family member or a close friend whom you trust to make serious decisions. The person you name as your health care agent should clearly understand your wishes and be willing to accept the responsibility of making medical decisions for you.

No physician or health care provider may act as your health care agent if he or she is directly involved in your health care.

You can appoint a second and third person as your alternate health care agent(s). The alternate(s) will step in if the first person you name as agent is unable, unwilling, or unavailable to act for you.

### **Should I add personal instructions to my Advance Directive for Health Care?**

One of the strongest reasons for naming a health care agent is to have someone who can respond flexibly as your medical situation changes and deal with situations that you did not foresee. If you add instructions to this document it may help your health care agent carry out your wishes, but be careful that you do not unintentionally restrict your health care agent's power to act in your best interest. In any event, be sure to talk with your health care agent about your future medical care and describe what you consider to be an acceptable "quality of life."

## **COMPLETING YOUR GEORGIA ADVANCE DIRECTIVE FOR HEALTH CARE (CONTINUED)**

### **What if I change my mind?**

#### Revocation

You may revoke your Georgia advance directive for health care at any time, regardless of your mental or physical condition, by:

- obliterating, burning, tearing, or otherwise destroying your document,
- signing and dating a written revocation or directing another person to do so (if you are receiving health care in a health care facility, the revocation must be communicated to your attending physician) , or
- orally revoking your document in the presence of a witness, at least 18 years of age, who must sign and date a written confirmation of your revocation within 30 days (if you are receiving health care in a health care facility, the revocation must be communicated to your attending physician).
- by completing a new advance directive for health care. A new advance directive will revoke an older advance directive to the extent that they are inconsistent with each other.

#### Change in Marital Status

If you get married after completing your advance directive for health care and you have not named your spouse as your health care agent, your marriage automatically revokes the power of your health care agent. If you have appointed your spouse as your health care agent and you divorce or the marriage is annulled, your health care agent's power is automatically revoked. You can, however, specify that you do not want these changes to occur in section 8 in PART TWO of your advance directive for health care.

### **What other important facts should I know?**

#### Pregnancy

If you are a woman and would like your treatment preferences regarding withholding or withdrawal of life-sustaining procedures, nourishment, or hydration to be honored even if you are pregnant, you must initial the statement in section 9 in PART TWO of the advance directive for health care form.

State law requires that, before honoring a pregnant patient's Treatment Preferences, the attending physician must first determine whether the fetus is viable. If the fetus is viable, your treatment preferences will not be honored, even if you initial section 9.

#### Guardianship

Part III of your advance directive for health care provides space where you can nominate someone to serve as your guardian if there should come a time when you need a court-appointed guardian. Unless a court specifies otherwise, your guardian has no power to make any personal or health care decisions granted to your agent under your advance directive for health care.































