



Decisions About Your Healthcare

There are a number of decisions you may want to make in advance for both the continuation of your financial and business affairs and how healthcare decisions will be made for you in the event that you become incapacitated for a period of time. Christian Scientists, or their families, are often required to provide copies of advance directives as a condition of admission to a care facility, whether that facility is a Christian Science Nursing facility or some other type of care facility. This is an important topic that deserves prayerful consideration. There is not any one “right” answer about advance directives for Christian Scientists. There is only the answer that is right for you – that answer which comes as a result of your prayers. Most states recognize the legal right of self-determination. In Florida, this right includes “the right to choose or refuse medical treatment...subject to certain interests of society, such as the protection of human life ...” (Florida Statute 765.102). Advance directives allow you to express your choices in a way which will assist your family and friends should you be unable to clearly communicate your choice to care providers. However, advance directives should not be the first time your family and friends know about your choices. You should discuss your choices beforehand with those individuals you are relying on to carry out your wishes so that they are understood.

There are resources available to assist you in preparing your own advance directives, and there are also legal professionals available to help you understand the laws governing the decisions you are making in your advance directives. Whether you are preparing your own advance directives or relying on an attorney to assist you, it might be useful to understand some of the terminology. The purpose of this information paper is to explain some of the documents that you may want to use.

The terminology has unique meaning for these documents under the law in Florida (e.g. advance directive, healthcare surrogates, healthcare proxies, living wills, power of attorney, etc.). In addition, the meaning in Florida may be different from that in other states. This often leads to confusion, particularly where individuals have lived in various states or discussed this matter with friends and relatives who live in other states. Generally, documents properly prepared under the laws of your state of residence will be accepted and legally effective in other states where you may be temporarily traveling or residing. Here are a few terms defined by Florida law to guide your decision-making process.

Advance Directive – This is “...a witnessed written document or oral statement in which instructions are given by a principal or in which the principal’s desires are expressed concerning any aspect of the principal’s health care or health information, and includes, but is not limited to, the designation of a health care surrogate, a living will, or an anatomical gift...” (Florida Statute 765). This document is only effective during your lifetime.

Health Care Surrogate Designation – This allows you to designate in an *Advance Directive* who will have the authority to make healthcare decisions for you should you become incapable of making those decisions. This allows you to designate an individual who has the right to choose or refuse medical treatment or procedures, select doctors and other caregivers, and discuss your medical condition and records with caregivers. This is sometimes combined with a *Durable Power of Attorney* if the same person is being designated to both handle property and conduct the business for a person who has become incapacitated due to injury or illness, and make healthcare decisions during a period of incapacity. This designation expires upon your passing.

Health Care Proxy – If a person is evaluated to be incapacitated and has not executed *Advance Directives* naming a Health Care Surrogate, a *Health Care Proxy* may be appointed. A *Health Care Proxy* is “a competent adult who has not been expressly designated to make healthcare decisions for a particular incapacitated individual, but who, nevertheless, is authorized pursuant to s. 765.401 to make healthcare decisions for such individual.” The authority of a Health Care Proxy to act ends upon your passing.

Living Will – This is a document you complete which will direct the provision, the withholding or withdrawal of life prolonging procedures in the event you have a terminal condition.

Anatomical Donation – This allows you to donate, at death, all or part of your body. Many people in Florida chose to make anatomical donations by indicating their choice when obtaining a driver’s license.

Power of Attorney – This allows you to decide who will be handling property and conducting your business if you need assistance during your lifetime and terminates either upon your incapacity or your passing, depending on the type of *Power of Attorney* you have. A *Power of Attorney* can either be combined with your *Health Care Surrogate Designation* or can be a separate document. The different types of powers of attorney are described more fully in Florida Statutes 709. A *Durable Power of Attorney* can remain in effect even if you are determined to be unable to make decisions for yourself, and is often required on admission to a care facility. In Florida, this document must be signed, notarized, and witnessed to be effective. Regardless of the type of *Power of Attorney* you have it terminates on your passing, and a *Last Will and Testament* becomes the document for determining how your final bills are paid and how your property is transferred.

Guardianship – If a person becomes incapacitated and has not prepared advance directives, or if there is some disagreement as to whether the person designated in those advance directives is acting properly, a care facility may require that a guardian be appointed to make decisions as a condition of admission. A Guardian must be appointed by court order, and has only those powers delegated to them by the court as to your property and healthcare decisions.

Available Resources

Here are some resources available to assist with preparing advance directives. These resources are not unique to the needs of Christian Scientists.

<https://www.ahca.myflorida.com/consumers.shtml> Florida Agency for Health Care Administration

<https://www.agingwithdignity.org/five-wishes/individuals-and-families> Aging With Dignity - Five Wishes