

Making Decisions About Your Care

What You Need to Know About Advance
Directives, Living Wills and Surrogate
Decision Making





Welcome to Holy Cross Health

The delivery of health care at Holy Cross Health is characterized by a strong commitment to the dignity of the person. It is a commitment that depends on mutual respect for the patient, the physician, the nurse and all health care professionals. We believe that decision-making within the context of a respectful, open, trusting and caring relationship will serve the well-being of the patient, while honoring the professional standards of the caregiver. This collaborative approach contributes to sound decision-making by an informed patient. We believe that patients' interests and well-being are served best when they understand their medical situation and participate in decisions about their treatment and care.

The Holy Cross Health Ethics Advisory Committee

Holy Cross Health has established an Ethics Advisory Committee, comprised of an interdisciplinary team of health care professionals and specially trained individuals, to assist patients, families and health care providers in clarifying ethically sensitive issues, identifying values, and weighing all the elements and consequences of proposed personal, medical and institutional decisions.

The Ethics Advisory Committee of Holy Cross Health exists to advise on various ethical issues. Its advice reflects values and patterns of human response consistent with the philosophy of the Congregation of the Sisters of the Holy Cross and of Trinity Health on health care and the values of the hospital community.

The Ethics Advisory Committee examines overall ethical issues and provides guidelines to:

- Preserve patients' rights
- Educate the Holy Cross Health community
- Provide interdisciplinary exchange and dialogue

Consulting the Ethics Advisory Committee

In addition to Holy Cross Health caregivers who ask the assistance of the Ethics Advisory Committee, patients, families and other members of the community also occasionally wish to consult with the committee about specific difficult issues that have arisen or could potentially arise throughout the course of medical treatment or care received at a Holy Cross Health hospital or facility. People may consult the committee by calling 301-754-7024.

You Have the Right to Decide About Your Health Care

Adults generally have the right to decide if they want medical treatment. This right includes decisions about the provision, withholding or withdrawal of life-sustaining procedures in the face of serious, irreversible illness. However, the patient does not have the right to demand non-beneficial treatment. In the event that an unexpected accident or illness takes away your ability to make health care choices, others may be obligated to make those important decisions for you.

There is a way, however, to ensure that your intentions about your care will be respected by your medical caregivers—create an advance directive.

What Are Advance Directives?

Advance directives are planning documents or instructions that can be used to name a health care agent to make choices for you, and/or to describe your treatment preferences.

Advance directives include living wills, which are documents that allow you to make decisions about life-sustaining procedures should you become terminally ill; enter into a persistent vegetative state; or have an advanced, progressive and incurable condition resulting in complete physical dependency (an end-stage condition). Other advance directives give you the option to designate a health care agent to make health care decisions for you, should you become incapacitated. Some advance directives include both these options.

Oral Advance Directives

Maryland law also allows you to make an oral advance directive to your doctor, with a witness, which must be documented in the patient record. Oral advance directives can be used to name a health care agent, to make decisions about life-sustaining procedures, or both.

Naming a Health Care Agent

You can name anyone to be your health care agent—your spouse or domestic partner, an adult child, another family member or a friend. The only exception is that a health care agent may not be an employee, owner or operator of a health care facility where you are being treated, unless the agent would also qualify as a surrogate. You choose when your agent can decide for you. For example, your agent may be given authority to make medical decisions immediately, or only after two doctors agree that you are not able to do so yourself. You can also choose the kinds of decisions your agent can make for you. For example, you can give your agent very broad or very specific powers in deciding about life-sustaining treatment. It is important to pick your health care agent carefully. Make sure your agent knows what you want. Your agent must then follow your wishes, even if your friends or family disagree.

What Happens if You Do Not Make an Advance Directive?

No one can deny you health care because you do not have an advance directive. But you should know what happens legally if you do not. Maryland law allows a surrogate to make medical decisions for you if you have not named a health care agent and are no longer able to decide treatment issues yourself. Your closest relative would be asked to make health care decisions for you. If a relative is not available, a close friend can be appointed as a surrogate. However, a surrogate might have less authority to decide against life-sustaining procedures than a health care agent. If there is no one available to be a surrogate, a court may appoint a guardian to make your medical decisions, and that guardian may be someone who does not know you personally.

Surrogate Decision-Making

If a patient has not picked a health care agent and is no longer able to make health care decisions personally, a surrogate may do so. Surrogates are listed in priority order; individuals in a particular class may be consulted only if all individuals in the next higher class are unavailable:

- a guardian, if one has been appointed by a court
- the patient's spouse or domestic partner
- an adult child of the patient
- a parent of the patient
- an adult brother or sister of the patient
- a friend or relative who specifies in writing that he or she is a close friend of the patient and provides facts to demonstrate enough regular contact with the patient so as to confirm sufficient familiarity with the patient's activities, health and personal beliefs

Learn More About Advance Directives

Through its Spiritual Care departments, Holy Cross Health offers patients additional information and consultation regarding advance directives. Please ask your nurse for details, or call 301-754-7390 at Holy Cross Hospital or 301-557-6391 at Holy Cross Germantown Hospital.

This summary does not cover every issue. If you have legal questions about your rights, please consult a lawyer. Also, talk to your health care provider about the medical issues involved in your care. Tell those caring for you about your decisions and give them a copy of any advance directives.

Holy Cross Health is a Catholic not-for-profit health system that serves patients through two hospitals, health centers, specialized care centers and innovative community-based services, with the commitment to be the most trusted health care provider in the area.



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