Advance Health Care Directives

Have you thought about what kind of health care you would want at the end of life? Would you want your family to use life-sustaining procedures such as mechanical ventilation or artificial nutrition and hydration if you are terminally ill or if you are in a persistent vegetative state? Would you want your loved ones agonizing over making life and death decisions for you during a time of emotional turmoil? By preparing an Advance Health Care Directive, you can make your own legally binding decisions. One example of an Advance Health Care Directive is a Declaration of a Desire for a Natural Death or Living Will. A Living Will allows you to decide what type of life sustaining medical treatment you receive when there is no hope of your recovery.

If you were in an accident that left you unable to make your own health care decisions or to speak for yourself, who would you want to speak for you and make your medical decisions? Many times the person who has the authority may not be the person you would have chosen. A Health Care Power of Attorney allows you to appoint someone as your agent to make medical decisions for you any time you are unable to make your own treatment decisions, not just at the end of life. You can include special provisions or specific limitations about any medical treatment. Your agent should be at least 18 and should be a family member or close friend whom you trust to act in your best interests and make serious and very important medical decisions for you.

To set up an Advance Health Care Directive, such as a Living Will or a Health Care Power of Attorney, you can download and complete the forms above for NC residents. These forms, along with more information, are available at the NC Secretary of State’s AHCD Registry site. The documents should be signed, dated, notarized and witnessed by two people who are not related to you, not your heirs, and not your health care providers. You must be at least 18 and of sound mind. Your local branch also provides notary services for further assistance. You may change or revoke Advance Health Care Directives at any time by a written and notarized revocation form. An attorney is not required to set up an Advance Health Care Directive; however, you may wish to consult an attorney if you have a potential family conflict or specific legal concern.

Once your documents are prepared, it is important to make them easily accessible by providing copies and sharing your decisions with your loved ones and your physician. In addition, you may want to consider filing your documents with the NC Secretary of State’s Advance Health Care Directives Registry. Although registration is not required, for a small fee, the registry service makes your documents readily available online to health care providers such as hospital and emergency physicians. Your Credit Union along with the NC Secretary of State’s office is happy to provide forms for your use in establishing your Advance Health Care Directives.
Frequently Asked Questions

1. What is an Advance Health Care Directive?
An Advance Health Care Directive is a document that lets you specify medical care in advance. Typically, these documents include a Health Care Power of Attorney and a Living Will.

2. What is a Health Care Power of Attorney?
A Health Care Power of Attorney allows you to name someone as your agent who is authorized to make medical decisions for you if you are unable to speak for yourself. You can include special provisions or specific limitations about any medical treatment.

3. Who should I name as my agent in my Health Care Power of Attorney?
Your agent should be at least 18 and be a family member or close friend whom you trust to act in your best interest and make serious and very important medical decisions for you.

4. What is a Living Will?
A Living Will or Declaration of a Desire for a Natural Death allows you to specify what type of life-sustaining medical treatment you receive when there is no hope of your recovery.

5. May I revoke an Advance Health Care Directive?
Yes, you may change or revoke both a Health Care Power of Attorney and a Living Will by a written and notarized revocation form.

6. What requirements must be met for the Advance Health Care Directive to be valid?
The documents must be signed, dated, notarized and witnessed by two people who are not related to you, not your heirs and not your health care providers.

7. Who may establish an Advance Health Care Directive?
You must be 18 and of sound mind to establish an Advance Health Care Directive.

8. Do I need an attorney to set up an Advance Health Care Directive?
State approved forms for North Carolina residents are available at SECU or via our website for you to complete your own documents. However, an attorney consultation is recommended if you have a potential family conflict or specific legal concern.

9. What is the cost to have an Advance Health Care document prepared by an attorney?
Attorney fees to draft an Advance Health Care Directive such as a Health Care Power of Attorney or Living Will can be as little as $35 or much more depending on the complexity of your situation. You should ask about the fee before you agree to the services provided.

10. What should I do with my Advance Health Care documents?
You should give a copy to your primary physician, your attorney, your Health Care agent and/or a trusted relative. You may also elect to file it with the Advance Health Care Directive Registry maintained by the NC Secretary of State’s Office for $10 per document. By filing your documents, they will be accessible via the internet with your username and password. More information is available at https://www.sosnc.gov/ahcdr/.

Questions about Advance Health Care Directives may be answered by consulting an attorney or other agencies that specialize in end of life choices and issues. The material above is intended to be accurate; however, consultation with appropriate professionals for assistance is recommended.

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