

# LIVING WILL

**TO MY FAMILY, MY DOCTOR AND ALL CONCERNED.**

**THIS DIRECTIVE** is made by me:

.....  
.....

of: (address)

.....  
.....  
.....  
.....

I am fully aware that I have **MOTOR NEURONE DISEASE** and that it is a progressive, degenerative condition for which there is no cure.

At a time when I am of sound mind and after careful consideration **I DECLARE** that if at any time the following circumstances exist, namely:

1. I am unable to communicate effectively.
2. I have become unable to participate effectively in decisions about my medical care; and
3. Two independent doctors (one a consultant) are of the opinion that I am unlikely to recover from severe illness or impairment involving or expected to cause me severe distress or incapacity for rational existence.

**THEN AND IN THOSE CIRCUMSTANCES** my directions are as follows:

1. That I am not to be subjected to any medical intervention or treatment aimed at prolonging or sustaining my life;
2. That any distressing symptoms (including any caused by lack of food and fluid) are to be fully controlled by appropriate (including aggressive) palliative care, ordinary nursing care, analgesics or other treatments, even though that treatment may shorten my life; and

3. That all directions are to be followed in accordance with my wishes:

I consent to anything proposed to be done or omitted in compliance with the directions expressed above and I absolve my medical attendants from any civil liability arising out of such acts or omissions.

I wish it to be understood that I fear degeneration and indignity far more than I fear death. I ask my medical attendants and any person consulted by them to bear this statement in mind when considering what my intentions would be in any uncertain situation.

**I RESERVE** the right to revoke this **DIRECTIVE** at any time, but unless I do so it should be taken to represent my continuing directions.

\* I nominate (name in capitals)

.....

of: (address).....

.....  
Telephone  
number.....

As a person to be consulted by my medical attendants when considering what my wishes and intentions would be in any uncertain situation.

**\*Delete if not applicable**

My General Practitioner is (name of GP).....

of: (address).....

(tel. no).....

Before signing this directive I talked it over with my GP (ask your GP to sign below)

Signed.....

Date .....

**WE TESTIFY** that the maker of this Directive signed it in our presence, and made it clear to us that he/she understood what it meant. We do not know of any pressure being brought on him/her to make such a directive and we believe it was made by his/her own wish. So far as we are aware we do not stand to gain from his/her death.

Witnessed by:

Signature:..... Signature:.....

Name:..... Name:.....

Address:..... Address:.....

.....

.....

This directive was reviewed and confirmed by me on the following dates:

(Sign your name or ask your nominee to sign each time you enter a date)

## MAKING A LIVING WILL

Also known as 'advance directives', living wills allow people to give instructions about any possible medical treatment should there ever come a time when they are unable to make decisions for themselves or to communicate them to others.

They should never be associated with voluntary euthanasia and should not be confused with the debate about assisted dying.

While there is no law that governs the use of living wills, a clear written or verbal decision to refuse treatment in advance is legally binding if:

- you are mentally able, not suffering from mental distress and over 18 when you make the will
- you are fully informed about the nature and consequences of your living will when you make it
- you understand that the living will should apply to all situations or circumstances that arise
- you are not pressurised or influenced by anyone else
- the living will is your most recent expression of your wishes
- you then become incapable of making any decision because you are either unconscious or otherwise unfit
- the situation that arises or circumstances you are in must be covered by the living will
- the living will must not require any unlawful omission or intervention

### *Advantages and disadvantages*

When a medical team is faced with a difficult decision about what treatment or care to provide for a patient who is not in a position to make a decision, having a living will means that they know what that patient would have wanted.

Having said that, not every situation can be planned for and any living will needs to be interpreted to ensure that it does still apply. What a living will does do, though, is give the patient control over their treatment and, in planning one, the opportunity to discuss difficult issues with close family and friends.

The British Medical Association, the Patients' Association, the Royal College of Nursing and the government all support living wills. According to a recent survey (*The Sunday Times*, November 1998) 69 per cent of doctors also think living wills are a good idea.

### *Points to consider*

- The directions in the your living will are only effective if you list the circumstances in which they would be necessary. If it is not clear, doctors will probably construe such directions in favour of preserving life.

- If you are aware of any specific treatment which has unwanted side effects or consequences then it is a good idea to state that you refuse that treatment. This is best decided upon in consultation with your doctor who can inform you of likely treatments and their benefits and burdens. It is also important to realise that treatments may change and you should update your living will accordingly
- Your living will provides for the refusal of treatment and here are a few examples of the scope this could take:
  - i) If you want to remain as clear-minded as possible you could request that you would only accept medicine that had no or minimal affect on your mental awareness.
  - ii) You could instruct as to when you would like the living will to commence, for example, by instructing that a specified person must arrive, or have reasonable time to arrive, first.
- Although a clear decision to refuse treatment is legally binding, a doctor can override the directions in your living will in the following situations:
  - i) If you are pregnant a doctor can override your living will if he/she believes the foetus is capable of developing into a live birth. You can state that the living will is not to apply in this situation. If you state that you want the living will to apply regardless, it is important to know that its provisions cannot be guaranteed.
  - ii) He or she considers your living will is either not valid or not applicable in the circumstances. If life saving treatment is required a doctor is not bound to find your living will or check its contents if it is not readily available. Therefore you should inform relatives and doctors of the directions in your living will in advance.

## HOW TO COMPLETE YOUR LIVING WILL

1. It is always advisable to tell your family doctor that you have made a living will. Ideally your wishes should be discussed with him/her before completing the directive.
2. You should make two (2) photocopies of the original before you ask witnesses to sign them.
3. Read through the living will form carefully to ensure that you agree with the printed text then fill in your name and address at the top. Fill in the top section to name the person you have nominated to be consulted about your treatment if necessary. This should be someone who knows and understands your wishes well, such as a family member or friend. Next, fill in the name and address of your GP.
4. If you have any specific wishes relating to your treatment, you should write these down on a separate piece of paper and attach it to your living will form. You should write at the end of your living will form that you have done this.
5. All three (3) forms (including the additional sheet(s) of paper) should then be signed by two people who are not close relatives or expecting to benefit from your will. It would be an advantage if one of the signatories were your doctor. You should then sign and date the forms in front of your witnesses.
6. Give one completed form to your GP, to be put in your medical records. Give the second copy to the person you named on your form who you would like to speak for you, and keep the last form for yourself. Inform close relatives and/or friends of the existence of the living will.
7. Remember to review your living will at regular intervals to ensure that it still represents your wishes. Signing and dating at the bottom when you do this will indicate how recently you have thought about it. If you change your mind about anything you have written, tell your GP, your named person and anyone else close to you and amend your living will accordingly.