

## What is the Georgia Advance Directive for Health Care?

The Georgia Advance Directive for Health Care is a comprehensive legal document that allows you to plan in advance for medical decision-making in the event you become unable to communicate or make health care decisions for yourself. It is governed by the [Georgia Advance Directive for Health Care Act](#). The directive serves two main purposes that allow you to:

- appoint a trusted person (a health care agent) to make decisions on your behalf
- provide instructions about your preferred medical treatment, including life-sustaining procedures

Advance planning with this document helps ensure that your medical treatment reflects your wishes and reduces uncertainty for your family and health care providers.

## The Four Key Parts of Your Health Care Directive

Before 2007, Georgia provided for two separate documents, a Living Will and a Power of Attorney. The Georgia Advance Directive for Health Care consolidates these in one form. However, this is not an exclusive form; Living Wills and Healthcare Powers of Attorney are still recognized, as are similar directives from other states.

Part One is where you name your primary health care agent and successor agents to make decisions when you cannot. These decisions include admitting you to a hospital, hospice, or other facility and arranging those services for you. The form also allows you to withhold authority from the agent to do certain things like ordering an autopsy or donating your body for medical study. You can also direct the agent regarding the disposition of your body such as burial or cremation.

Part Two covers your treatment preferences, letting you express your wishes regarding life-sustaining procedures, artificial feeding and hydration, pain management, and other medical interventions. Typically, life-sustaining measures may be withheld or withdrawn when you have a terminal condition or are in a state of permanent unconsciousness, as certified by physicians. You can also list specific treatment wishes in the form which may include the use of medications to fight infections, surgery, amputation, or blood transfusion.

Part Three allows you to nominate a preferred guardian if a court later determines that guardianship is necessary, while Part Four includes the steps required to make the directive a legal document.

## When Does Your Health Care Agent Take Over?

Your Georgia Advance Directive takes effect when you can't make or communicate your own health decisions, or you choose not to make those decisions. It generally remains effective until death unless you revoke it.

The agent may make most health care decisions you could make, including decisions about your treatment, facility placement, end-of-life care, anatomical gifts, autopsy, and burial wishes. They must follow your instructions and act in your best interests. The agent can make nearly all health care decisions you could make but cannot direct sterilization or certain mental health treatments. Decisions related to treatment for mental or emotional illness, developmental disabilities, or addiction diseases may be addressed with the "Georgia Psychiatric Advanced Directive." An agent may also refuse to act.

## How to Make it Legal and Keep it Safe

- **Witness Requirements:** Your Advance Directive must be signed by you and two adult (over age 18) witnesses. Witnesses cannot include your named agent, someone entitled to inherit from you, or someone directly involved with your health care. No more than one witness may be an employee of the health care facility providing care for you.
- **HIPAA:** The Directive gives your agent the legal right to access your medical records (under HIPAA) to make informed decisions.
- **Revocation:** You can cancel (revoke) your directive at any time by signing a new one, destroying the old one, or orally telling someone you are revoking it.
- **Keep it Safe:** Give copies of the directive to your agent, family, and physicians. Store the document in an accessible location and review it periodically as you review all estate planning documents. You do not need to provide the original of the document for a health care provider to act.

## Integrating Your Directive into Your Complete Estate and Legacy Plan

The Georgia Advance Directive for Health Care is a vital tool that gives you control over future medical decisions. It ensures that your specific wishes regarding treatments and life-sustaining procedures are clearly communicated and respected. The Advance Directive also reduces the need for court intervention.

The Advance Directive is part of a complete estate plan that includes documents like a [will](#) or [trust](#). These documents dictate how your assets are managed and distributed. Planning your estate is also about planning your legacy, including continuing your stewardship to the church beyond your lifetime. For guidance on how to include your church in your estate plan, [contact our executive director](#) to start the conversation.



Laurin M. McSwain (he/him) is a principal of Lefkoff, Duncan, Grimes, McSwain, Hass & Hanley, P.C. Laurin concentrates his practice in estate planning, probate, and estate administration. He is a member at the Cathedral of St. Philip and currently serves on the boards of the Alliance Of Christian Media/ Day 1, Friends of Cathedral Music, the Georgia Community Trust of BDI and the Advisory Board of the Schenck School. [Learn more about the ECF Board of Directors](#)

### ◀ [Revocable \(Living\) Trusts in Georgia](#)

This entry is part 6 of 6 in the series [Wills & Estate Administration](#)

## **SUPPORT ECF**

Your one-time or monthly donation allows us to serve people experiencing poverty and oppression throughout our Diocese. [Make a donation at https://episcopalcommunityfoundation.org/donate/](https://episcopalcommunityfoundation.org/donate/)