
Advance directives: Making health care decisions

You have the right to make decisions about the medical care you get, including to say yes or no to treatment. If you are very ill or badly injured, you may not be able to make these decisions.

People who care for you should know your wishes if you cannot make decisions. The best way to make sure your wishes are followed is with advance directives.

It is the policy of Prisma Health that your health care decisions and advance directives be honored according to federal and state law.

Advance directives

What is an advance directive?

An advance directive gives guidelines about providing care if you are physically or mentally unable to make decisions. A competent adult may make an advance directive. A written advance directive may be a living will, health care power of attorney or other clear writing of your wishes.

If I do not have an advance directive, who will make health care decisions for me?

You will make those decisions if able. If you cannot and have no advance directive, Prisma Health will follow the South Carolina Adult Health Care Consent Act. This act lets someone else make medical decisions for you when you cannot. Under this act, possible decision makers are ranked according to their relationship to the patient.

Written advance directives

Who should know that I have an advance directive?

You should share your feelings about medical treatment with your family and others who care about you. If you have questions about signing a living will or health care power of attorney, talk to your doctor or lawyer. You also may want to talk to your religious leader.

Must I have a copy of my advance directive at the hospital?

Yes. A copy must be placed in your records for doctors and hospital workers to honor it as legally valid.

Living wills

What is a living will? Is it the same as an ordinary will?

A living will states your preferences for care when you have a terminal condition or are permanently unconscious.

An ordinary will tells your survivors what to do with your property after you die.

Note: In South Carolina, permanently unconscious means that you are in a "persistent vegetative state." This is not the same as a coma. A person in a coma may regain mental powers, while a permanently unconscious person will not.

When does my living will take effect?

It takes effect if you are physically or mentally unable to make decisions and after two doctors (one being your attending physician) have examined you and declared that you are permanently unconscious or have a terminal condition and that your death would occur soon without life-sustaining measures.

Is there a standard living will form in South Carolina?

Yes, the "Declaration of a Desire for a Natural Death."

What are the requirements for signing a living will?

You must be at least 18 years old, and you must be competent. You must sign the living will in front of a notary public and two witnesses (one can be the notary public).

If you are a patient in a hospital or a resident in a nursing home and wish to sign a living will, someone from the S.C. Ombudsman's Office must be a witness.

People who cannot legally be witnesses are listed on the living will form and in South Carolina law 44-77-40. Read this form or law carefully to be sure your witnesses are legal.

Is tube feeding part of the living will form?

You may write on the form whether you want to get food and drink, including tube feeding, if your condition is terminal or you are permanently unconscious and those items would only prolong the dying process.

If you want to name an agent (someone who can cancel or enforce your living will), you can do so on your living will.

Is my living will in effect if I am pregnant?

No. In South Carolina, your living will is not in effect while you are pregnant.

What if I change my mind after signing a living will?

You may cancel a living will at any time if you are competent. There are five simple ways to do so, which are explained on the living will form. You must tell your doctor that you have canceled your living will for it to take effect.

What if I have an old living will?

On June 12, 1991, South Carolina adopted a new living will form. If you signed a valid living will in the state before that date, it is still legal.

However, the old form does not mention permanent unconsciousness. And in most cases, it does not mention food or drink. Thus, you may want to sign a new living will form. If you signed a living will after June 12, 1991, make sure it was the new form.

Health care power of attorney

What is a health care power of attorney? Is it the same as a regular power of attorney?

A health care power of attorney is a form that lets another person (your agent) make decisions about your health care if you cannot. A regular power of attorney lets your agent make decisions about things such as money, property or business dealings. It may not let your agent make health care decisions for you.

If you want your agent to make health care decisions for you if you cannot, you should sign a health care power of attorney no matter what other forms you have.

Is there an "official" form for the health care power of attorney in South Carolina?

Yes, the "Health Care Power of Attorney," passed in 1992.

Which person should I name as my agent? What if my agent cannot serve?

Name a person you trust and who knows how you feel about health care. Also, name a second person in case the first one is unwilling or unable to serve. Talk to both people beforehand to be sure they are willing to serve. And make sure they know your medical wishes.

What if I change my mind?

You can cancel your health care power of attorney at any time if you are competent. Ask your lawyer how to cancel your specific form.

General questions

Should I sign both a living will and a health care power of attorney?

Each form has advantages. The living will ("Declaration of a Desire for a Natural Death") notes your wishes on life-prolonging treatments and procedures if you have a terminal condition or are permanently unconsciousness.

The health care power of attorney lets your agent decide what you would want in all medical situations, including those covered in a living will, if you cannot make those decisions yourself.

You can find both forms online at <http://www.state.sc.us/dmh/804-97.htm>.

Where should I keep my health care power of attorney and living will?

Keep the originals in a safe place (probably at home) where your family can find them. Give a copy to as many of the following people as you want: your family, doctor, lawyer, religious leader and agent. Do NOT put your only copy in a safety deposit box!

Are living wills and health care powers of attorney signed in another state valid in South Carolina?

If you signed a health care power of attorney or a living will in another state, have a lawyer review it to be sure it is valid here. To be safe, sign the living will form approved by South Carolina.

Where can I find out more?

At Prisma Health–Midlands (formerly Palmetto Health), call Patient Relations at 803-434-6237 for Richland Hospital, 803-296-2148 for Baptist Hospital, 803-434-6237 or 803-907-1515 for Baptist Parkridge Hospital, or 803-774-9791 for Tuomey Hospital.

At Prisma Health–Upstate (formerly Greenville Health System), call Spiritual Care & Education at 864-455-7942.