

What you should know about ADVANCE HEALTH CARE DIRECTIVES

Pennsylvania law allows you to designate someone to make health care decisions if you cannot do it yourself. As Catholics, we hold a special regard for the dignity and sanctity of every human person, especially in times of illness or at the end of our earthly lives. It is therefore important to ensure that the person you designate to make health care decisions for you applies the authoritative teachings of the Catholic Church to these decision making processes.

The Catholic Bishops of Pennsylvania have prepared these responses to frequently asked questions so that you are informed about Catholic teaching on health care decision-making. The advance directive form included in this booklet reflects authoritative Church teaching and complies with Pennsylvania law.

What is an advance health care directive?

In Pennsylvania, a health care directive can be a living will, a health care power of attorney or a written combination of the two.

A living will is a written document which sets forth a person's wishes and gives instructions about health care when the person has an end-stage medical condition, or is permanently unconscious.

A health care power of attorney is a written document which designates someone to make health care decisions for you.

Why does the Catholic Church care about advance directives?

The Church supports Pennsylvania law which allows individuals to name an agent to make health care decisions for them if they lose the capacity to make or express their own choices. For Catholics, health care decisions should be made in the light of our Faith. Morally correct decisions are based on our respect for the sanctity and dignity of life and acknowledge our dependence upon God. Our decisions must be rooted in the recognition that each of us is the steward of the gift of our life. Advance directives give Catholics a way to profess our Faith and help to ensure that the decisions about the care we receive when we cannot speak for ourselves are made in accord with our religious beliefs.

Why would I want a health care directive?

By completing a health care directive, you can ensure that your wishes concerning decisions about medical care are followed if you are unable to understand, make, or communicate those decisions for yourself. Decisions which might be made under a directive include the selection or discharge of a health care provider; or the approval or disapproval of a diagnostic test, surgical procedure, program of medication, or other extraordinary means of medical treatment. An advance directive provides an opportunity for you to make it clear that you embrace Catholic values and would rely upon the authoritative teachings of the Church to guide your own decisions. Advance directives can also provide Catholics with an opportunity to provide directions regarding pastoral and sacramental care.

What happens if I don't have a health care directive?

If you do not appoint a health care agent and you are unable to understand, make or communicate for yourself, your wishes about health care may not be known to others. If this is the case, Pennsylvania law says decisions about your care can be made by a family member, or some other individual who may or may not know your specific preferences. The person the law chooses (who would be called a health care representative) may not be the one you prefer. For example, you might prefer someone other than a family member. You may have a close friend who really knows you better and would be better able to make decisions on your behalf. But, to appoint that person you must take steps to formally name him or her as your health care agent. Your health care agent or representative must make health care decisions in accordance with your instructions based upon authoritative Catholic moral teaching; but, if you do not leave instructions, the agent will have to assess the situation using whatever knowledge he or she has of your preferences and values, including your religious and moral beliefs. If your health care agent or representative does not know enough about what you would want, he or she will have to be guided by what he or she knows of your values and use his or her own judgment to deem what is in your best interest.

Can my agent authorize the discontinuation of nutrition and hydration?

Pennsylvania law presumes that an incapacitated person would not want assisted nutrition or hydration to be withheld or withdrawn unless the person indicated a preference to the contrary specifically in writing. This presumption created in Pennsylvania law can also be overcome if the designated health care agent knows of the person's previously clearly expressed wishes to the contrary about assisted nutrition or hydration.

What does the Church say about medically assisted nutrition and hydration?

It is important to note that as Catholics, we believe that God is the author of all life. We believe that we (and our health care agents) have a responsibility to preserve life. In their statement, Nutrition and Hydration: Moral Considerations, the Bishops of Pennsylvania said, "There are instances in which it is relatively easy to apply moral principles to the decision to withhold or withdraw nutrition. In the case of a terminal cancer patient whose death is imminent, for instance, the decision to begin intravenous feeding or feeding by nasogastric tube or gastrostomy, may also mean that the patient is going to endure greater suffering for a somewhat longer period of time - without hope of recovery or even appreciable lengthening of life. Weighing the balance of benefits versus burdens makes it relatively easy to decide that this could fall into the category of extraordinary means and that such feeding procedures need not be initiated or may be discontinued."

But these sorts of cases must be distinguished from those in which a patient is severely or chronically incapacitated but not dying. According to the authoritative teaching of the Catholic Church, a patient should not refuse or discontinue medically assisted nutrition and hydration that are capable of sustaining life simply because he or she has been diagnosed to be permanently unconscious or in a chronic, non-terminal condition.

Important guidance has been provided by the Congregation for the Doctrine of the Faith in its responses to questions posed by the United States Conference of Catholic Bishops concerning medically assisted nutrition and hydration for a patient in a vegetative state. The questions posed and the responses provided are directly quoted below.

First question: Is the administration of food and water (whether by natural or artificial means) to a patient in a “vegetative state” morally obligatory except when they cannot be assimilated by the patient’s body or cannot be administered to the patient without causing significant physical discomfort?

Response: Yes. The administration of food and water even by artificial means is, in principle, an ordinary and proportionate means of preserving life. It is therefore obligatory to the extent to which, and for as long as, it is shown to accomplish its proper finality, which is the hydration and nourishment of the patient. In this way suffering and death by starvation and dehydration are prevented.

Second question: When nutrition and hydration are being supplied by artificial means to a patient in a “permanent vegetative state”, may they be discontinued when competent physicians judge with moral certainty that the patient will never recover consciousness?

Response: No. A patient in a “permanent vegetative state” is a person with fundamental human dignity and must, therefore, receive ordinary and proportionate care which includes, in principle, the administration of water and food even by artificial means. ⁱ

At the same time, the Church recognizes that simply because one starts to give medically assisted nutrition and hydration does not mean that they can never be discontinued. A Commentary issued by the Congregation for the Doctrine of the Faith, advises that:

“[w]hen stating that the administration of food and water is morally obligatory in principle, [that] does not exclude the possibility that, in very remote places or in situations of extreme poverty, the artificial provision of food and water may be physically impossible... However, the obligation to offer the minimal treatments that are available remains in place, as well as that of obtaining, if possible, the means necessary for an adequate support of life. Nor is the possibility excluded that, due to emerging complications, a patient may be unable to assimilate food and liquids, so that their provision becomes altogether useless. Finally, the possibility is not absolutely excluded that, in some rare cases, artificial nourishment and hydration may be excessively burdensome for the patient or may cause significant physical discomfort, for example resulting from complications in the use of the means employed.

These exceptional cases, however, take nothing away from the general ethical criterion, according to which the provision of water and food, even by artificial means, always represents a natural means for preserving life, and is not a therapeutic treatment. Its use should therefore be considered ordinary and proportionate, even when the “vegetative state” is prolonged.”ⁱⁱ

Pennsylvania’s Catholic Bishops also published a thorough discussion of nutrition and hydration entitled *Nutrition and Hydration: Moral Considerations*, (Revised Edition, 1999).

Can't I just trust a family member or friend to make a good health care decision?

Most of us would naturally be inclined to trust our loved ones with these decisions. However, you provide a service to your family and friends by letting them know how you want to be treated. An advance directive shows that you have thought carefully about the issues and that you have specific preferences that should guide decisions with regard to the provision of medical care. If you use the form approved by the Bishops of Pennsylvania, you clearly indicate that your Faith and the authoritative teachings of the Church are to be considered of the utmost importance when decisions about your care are being made on your behalf.

Do I need to use a special form?

You do not need a special form in Pennsylvania. The advance directives statute provides an optional form, but many other forms meet Pennsylvania legal requirements. In fact, it is not necessary to use a pre-printed document at all; any written form that explains your wishes and complies with statutory signing requirements can be used.

Is there a Catholic form?

There may be a number of "Catholic" forms available. But, the Bishops of Pennsylvania developed a living will and health care power of attorney form to clearly reflect authoritative Catholic teaching about these issues. Their form meets Pennsylvania legal requirements. This document is written with a comprehensive understanding of the human person and reiterates church teaching that a human being never loses his or her dignity regardless of physical, psychological or relational circumstances. Catholics are advised to use this form to avoid any discrepancies with other forms that may not necessarily follow authoritative Catholic moral teaching.

Where can I obtain this approved form?

You can obtain the form from the Pennsylvania Catholic Conference website or by contacting your diocese .

Do I need an attorney? Does this document need to be notarized? Will this cost me anything?

No. It is not necessary to have an attorney to complete a form. However, you should contact an attorney if you have legal questions regarding advance health care planning. This form does not need to be notarized under Pennsylvania law, but notarizing this form may make it more likely to be accepted under laws in other states. Advance directive forms are available from a number of sources for no charge, including the Pennsylvania Catholic Conference. The form and this question and answer booklet are not intended to take the place of specific legal or medical advice.

Should I appoint a health care agent or just write down my wishes?

By appointing a health care agent, you can make sure that someone who cares about you will apply your wishes and personal beliefs to health care choices - just as you would. Even if you appoint a health care agent, you can still give written health care instructions to direct, guide, and even limit the actions of your agent and, in this way, you can express the importance of your Catholic faith and how it applies to your health care decisions. Having both a health care agent as well as a written document is preferable to a written document alone because the agent you designate will interpret and apply your directions to your particular health care

situation. A written document alone may have to be subject to another individual's interpretation in your particular circumstance.

What should I do with my health care directive?

Give a copy of your health care directive to your agent, your doctor and any other health care providers such as your hospital, nursing facility, hospice, or home health agency. In addition, you may want to give copies to others, such as close family members, your priest, and your attorney, if you have one.

How can I make sure that decisions made on my behalf are consistent with my Catholic beliefs?

STATE IN YOUR HEALTH CARE DIRECTIVE YOUR DESIRE TO HAVE ALL HEALTH CARE DECISIONS MADE IN A MANNER CONSISTENT WITH AUTHORITATIVE CATHOLIC TEACHING. The living will and health care power of attorney from the Pennsylvania Catholic Conference does this in a clear, straightforward way.

APPOINT A HEALTH CARE AGENT WHO SHARES YOUR BELIEFS OR WHO YOU ARE CONFIDENT WILL RESPECT YOUR WISHES. If your health care agent is not familiar with authoritative Catholic teaching on these matters, tell your agent to seek guidance from a parish priest, a Catholic chaplain or the diocesan office in your diocese which deals with issues like this. The advance directive is an important communications tool which clearly explains what you believe, in your voice, even when you cannot speak for yourself.

Are Catholics morally obligated to have an advance directive?

No. However, an advance directive, especially one that appoints a health care agent, is one way to make sure that your care and treatment is consistent with the Catholic faith and your wishes. Therefore, it is recommended that you designate an agent.

How can I make sure my spiritual needs are met?

When you enter a hospital, nursing home or other health care facility, state that you are a Catholic and want a priest or pastoral minister to care for your spiritual needs. Also, state if you want to see a particular priest. Unless you have done this, certain privacy rules may prevent the hospital, nursing home or other health care facility from informing your priest or pastoral minister about your situation or might not allow him or her to visit.

If you cannot communicate your wishes when being admitted, your health care directive and health care agent should be authorized to do this for you.

If I already have a signed living will, do I need to sign a new one?

No. Living will forms signed before 2006 are still valid. However, the new law passed in 2006 allows for a combined form with both a living will and a health care power of attorney. In addition, terms used in the new law differ from those used in many earlier versions of living wills. Therefore, it is recommended that you complete and sign the new form provided by the Catholic Bishops of Pennsylvania which includes both a living will and a health care power of attorney, and also uses the up-to-date terminology.



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ⁱ Congregation for the Doctrine of the Faith: Responses to Certain Questions of the United States Conference of Catholic Bishops concerning Artificial Nutrition and Hydration, August 1, 2007

ⁱⁱ Commentary, Congregation for the Doctrine of the Faith: Responses to Certain Questions of the United States Conference of Catholic Bishops Concerning Artificial Nutrition and Hydration, September 15, 2001