A living will sounds like an updated version of the standard Last Will and Testament, and it can be easy to assume you don't need one if your regular will is up to date. However, a living will is actually completely different from a traditional will because it addresses your medical care during your lifetime rather than the disposition of your property after you pass away. Every adult in Texas should have one as part of a comprehensive estate plan.

In this post, we'll examine what living wills do and why they are so important.

Explaining Your Preferences for Medical Treatment

A living will is an advance directive, meaning that it provides directions in advance. Under Texas law, a living will is often referred to as a "Directive to Physicians and Family or Surrogates." The document communicates your wishes for treatment if you are in a situation where you cannot communicate due to illness or injury.

Specifically, if you are in a situation where you suffer from a terminal condition that is expected to lead to death within six months or you have an irreversible condition that prevents you from making decisions for yourself and you need life-sustaining treatment to prolong your life, you can use a living will to tell doctors whether you do or not want life-sustaining treatments or whether you only want treatments provided for comfort.

You can provide very specific instructions if you choose. For instance, you might say that you wouldn't want IV antibiotics but you would want IV nutrition and hydration.

Why You Should Have a Living Will

If you are ever in a situation where you are unable to communicate, such as if you were in a persistent vegetative state and doctors said you had no hope of recovery, your loved ones would be in agony. While you cannot ease their pain over the sense of loss, you can prevent them from worrying about how you would want to handle your medical care.

By providing instructions in advance, you can help them feel confident knowing that the treatment provided is what you would want in the circumstances.

A Living Will Works Best in Conjunction with a Medical Power of Attorney

A living will is one type of advance directive, and another type is a medical power of attorney or health care power of attorney. With a power of attorney, you give someone authority to make medical decisions for you if you are in a situation where you cannot make or communicate your own decisions.

Having both a living will and a medical power of attorney is helpful because these documents can reinforce each other. The person you name as your agent to make medical decisions for you will know what decisions to make when you provide advance instructions in your living will. Moreover, doctors will feel more confident acting on the instructions in your living will when your agent with power of attorney also authorizes them to provide or withhold various types of treatment.

The Nordhaus Firm Can Help You Maintain Control of Your Health Care

Using a living will, power of attorney, and other tools, The Nordhaus Firm can help ensure that your wishes are followed for medical care regardless of the circumstances. We can also prepare these and other documents that can avoid the need for lengthy guardianship proceedings.

To help ensure that your family has the right plan to handle whatever the future may bring, schedule a consultation with us today.