



Health Care Directives in Minnesota

What is a Health Care Directive in Minnesota & Why Do I Want One?

What is a Health Care Directive in Minnesota?

A health care directive is a legal document which allows you to do the following:

- It lets you state your wishes regarding your health care. These wishes make your “Health Care Instructions”.
- It also lets you name a “Health Care Agent” who can make decisions about your health care if you’re not able to. Naming your agent is part of the “Health Care Power of Attorney”.
- You may use either or both options in your Health Care Directive.

What’s the difference between a Health Care Directive, a Living Will, and a Health Care Power of Attorney?

Some historical explanation is needed here. In Minnesota, a Living Will formerly referred to a document which provided Health Care Instructions, including for end-of-life situations. Minnesota discontinued Living Wills under that name (although older ones are still valid) and included Health Care Instructions in the Health Care Directive.

Similarly, Minnesota also used to acknowledge a separate document called a Health Care Power of Attorney. This document allowed individuals to name a Health Care Agent to make health care decisions for them.

Currently, the Health Care Directive is the recognized document in the state of Minnesota for providing Health Care Instructions, naming a Health Care Agent, or both. It can combine the function of your Health Care Instructions and a Health Care Power of Attorney into one document.



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Why would I want a Health Care Directive?

A Health Care Directive protects your wishes in the event you become unable to make medical decisions for yourself in the future. It allows you to let your health care wishes be known, in writing, to your medical providers.

It also allows you to appoint someone you trust to make health care decisions for you, rather than a medical provider or another individual who may not be familiar with your health care beliefs, values, and preferences.

What types of health care instructions may I include in a Health Care Directive?

You can include a wide variety of medical care wishes in a Health Care Directive. Some typical options include:

- Who your health care provider will be
- Conditions under which you want to refuse medical treatment
- Preferences for different types of medical care
- Your religious beliefs and how they affect your choices

Why would I want to name a Health Care Agent or Agents?

A named health care agent in a Health Care Directive has the power to make health care decisions for you, to whatever extent you want them to. You may grant them power to make all health care decisions or only some of them.

Perhaps most importantly, a health care agent will know your beliefs and values related to your medical care. They may use this



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knowledge to make medical decisions consistent with your wishes. Without a health care directive and a health care agent, individuals less familiar with your wishes may end up making these choices for you.

In addition, Minnesota recently changed the law to allow you the option to appoint a Health Care Agent before you've become incapacitated as well. In some cases, individuals find relief allowing someone they trust to handle their medical affairs, even when they still have the capacity to handle these medical affairs on their own.

Who would make a good health care agent?

Legally, a health care agent must be at least 18-years old and mentally competent.

Practically, a health care agent should be someone who agrees to serve in that capacity and to honor your wishes. It should be someone who you trust to make health care decisions for you whose actions will be consistent with your wishes. This person should be familiar with your health care values and preferences and be willing to abide by them in the future if needed.

What if I want to revoke the Health Care Directive or Health Care Agent?

So long as you have the mental capacity to do so, you may revoke a Health Care Directive at any time by:

- Making a new one
- Destroying it (burning, tearing apart, shredding)
- Having someone else destroy it at your request



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- Making a written statement revoking all or part of it
- Making an oral statement to two others that you want it revoked.

What do I do after the Health Care Directive has been drafted?

You must sign and date your health care directive. You must also have the document witnessed by two individuals or a notary. In either case, the witnesses should not be named agents in the directive. This will make the document legally valid.

Afterwards, you'll want to give the directive to all of the appropriate interested parties. This includes:

- Your health care agents and alternate agents
- Your doctor and any other health care providers you may see
- Close friends and family so they at least know where it is located.



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Thank you for downloading this guide. If you have more questions about wills in Minnesota or would like to use my firm to draft a health care directive for you, please visit me at:

www.majeskilaw.com, email me at mattmajeski@majeskilaw.com or give me a call at 651-207-6162. If I am unavailable, please feel free to leave a voicemail.

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