

# **What Is the Difference Between a Living Will & an Advance Directive?<sup>1</sup>**

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Legal jargon can be confusing, especially when you're dealing with potential life-and-death health care decisions. Several documents can help you plan for a time when you might be incapacitated or dying, but choosing the one that's right for you can be complicated because their meanings overlap. In general, advance directives refer to a variety of documents you can use to state your wishes in advance of becoming too ill or too injured to make them known.

## **Tip**

An advance directive is a set of instructions someone prepares in advance of ill health that determines his healthcare wishes. A living will is one type of advance directive that becomes effective when a person is terminally ill.

## **Different Treatment Options**

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State laws regarding advance directives vary, but the information typically included in a living will is pretty uniform. A living will tells your health care provider what types of treatment you want or don't want should you become incapacitated.

A DNR order — another type of advance directive — is similar. DNR stands for "do not resuscitate" and it instructs your physician not to take life-saving measures, such as cardiopulmonary resuscitation.

However, another type of advance directive — a medical power of attorney — puts these decisions in someone else's hands. In a medical POA, you name an agent who will decide treatment options and resuscitation for you in the event you cannot make that decision.

## **Limitations for Certain Conditions**

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A living will can only address the exact conditions mentioned in the document. For example, it might state that you don't want CPR, but what if what you actually need is a feeding tube?

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<sup>1</sup> <https://finance.zacks.com/difference-between-living-advance-directive-2095.html>

If your living will doesn't specifically mention feeding tubes, your physician is in the dark regarding how you'd like to deal with this issue.

An advance directive such as a POA isn't subject to this limitation. The person you've named as your health care agent will make the decision as to whether you should have a feeding tube.

## **Enforceability of Advance Directives**

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Your living will is ironclad and you are the only one that can change the terms. Technically, your family members cannot override it if the time comes when you're unable to speak for yourself. However, it doesn't always work this way in practice. If a family member is emphatic, desperate and emotional enough, it's possible that your health care provider could capitulate to her wishes rather than follow those you've explained in your living will.

Your doctor could be justified in doing this if your living will is too vague and doesn't expressly and exactly address the problem you're suffering. Other types of advance directives are much more binding on physicians. For example, your DNR order addresses a specific treatment, so it probably won't be ambiguous. Your agent under the terms of a medical POA has the right to instruct your doctor regarding all methods of treatment, so nothing is left up to your doctor's interpretation.

## **Advance Directive Options**

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Because a living will is just one kind of advance directive, you're not limited to using only this document. You can write a living will, create a medical POA and draft a DNR order as well. However, you might want to confer with an attorney in your particular state first.

Depending on where you live, the health care agent you name in your medical POA may or may not be bound by the terms of your living will. He may be able to override them. In this case, and especially if there's no one you feel you can trust with your life to fill this role, you might be better off with a very explicit living will instead.