**SOUTH DAKOTA ADVANCE DIRECTIVE**

This document contains two parts. Both parts are for use when you can no longer communicate your health care wishes to your doctors. You may choose to sign one or the other or both.

The first form is called a Health Care Directive, also known as a **Living Will**. The Health Care Directive allows you to tell your health care providers your preferences for end-of-life treatment.

The second form is called a **Health Care Power of Attorney**. This Health Care Power of Attorney allows you to appoint another person to make health care decisions on your behalf taking into account your wishes.

This form was completed and signed on [MM/DD/YYYY].

**1. HEALTH CARE DIRECTIVE (LIVING WILL)**

(If you do not wish to fill out a health care directive and just wish to designate a health care agent, draw an “X” through the following section)

I, [PRINCIPAL NAME], with a street address of [PRINCIPAL STREET], City of

[PRINCIPAL CITY], County of [PRINCIPAL COUNTY], State of South Dakota, with the last four (4) digits of my social security number (SSN) being XXXX - XX - [XXXX] (hereinafter may be referred to as the “Principal”) desire to advise my doctors and medical providers of my wishes for my health care in the event I am not able to communicate my wishes.

1. **LIFE SUPPORT**

I desire that my doctor make a concerted effort to return me to an acceptable quality of life using then available treatments and therapies. However, if my quality of life becomes unacceptable as I have defined below and my doctors have determined that my condition will not improve (is irreversible), I direct that all treatments that extend my life be withdrawn.

An unacceptable quality of life means (initial and check all that apply):

[INITIALS] [ ]  - chronic coma or persistent vegetative state.

[INITIALS] [ ]  - no longer able to communicate my needs.

[INITIALS] [ ]  - no longer able to recognize family or friends.

[INITIALS] [ ]  - total dependence on others for daily care.

[INITIALS] [ ]  - Other: [OPTIONAL - OTHER UNACCEPTABLE QUALITY OF LIFE].

Initial and check only one:

[INITIALS] [ ]  - Even if I have the quality of life described above, I still wish to be treated with food and water by tube or intravenously (IV).

[INITIALS] [ ]  - If I have the quality of life described above, I do NOT wish to be treated with food and water by tube or intravenously (IV).

1. **LIFE-SUSTAINING TREATMENTS** (You do not have to initial and check any of these if you do not wish to.)

Some people do not wish to have life-sustaining treatments under any circumstance. Initial and check the appropriate boxes next to any treatments you **do** **not** wish to have under any circumstances:

[INITIALS] [ ]  - Cardiopulmonary resuscitation (CPR)

[INITIALS] [ ]  - Ventilation (breathing machine)

[INITIALS] [ ]  - Feeding tube

[INITIALS] [ ]  - Dialysis

[INITIALS] [ ]  - Other: [OPTIONAL - OTHER UNWANTED LIFE-SUSTAINING TREATMENT.

1. **END-OF-LIFE WISHES** (Hospice care, funeral arrangements, etc.)

When I am near death, it is important to me that:

[WRITE END-OF-LIFE WISHES HERE].

**2. HEALTH CARE (MEDICAL) POWER OF ATTORNEY WITH MENTAL HEALTH AUTHORITY**

It provides peace of mind to be able to choose someone you trust to make health care decisions on your behalf when you no longer can communicate your wishes. It is important that you discuss your decisions with your health care agent so they can ensure your wishes are carried out by the health care providers when the time comes. However, if you do not intend to appoint a health care agent to make decisions for you, write NONE in the field for the agent's name.

I, [PRINCIPAL NAME], as Principal, designate [AGENT NAME], as my agent to act in all matters relating to my health care (including my mental health care) and including, without limitation, the power to give or refuse consent to all medical and surgical treatments, hospitalizations and related health care. This power of attorney is effective at the point when I am not longer able to communicate my health care wishes. My agent's decisions under this power of attorney, during any period when I am unable to make and/or communicate my health care decisions or when there is uncertainty as to whether I am dead or alive, are binding on my heirs, devisees and personal representatives.

[INITIALS] I specifically consent to giving my agent the power to admit me to an inpatient or

 partial psychiatric hospitalization program if ordered by my physician. (Initial if this is

 your choice.)

[INITIALS] This Health Care Directive and Health Care Power of Attorney may not

 be revoked if I am incapacitated. (Initial if this is your choice.)

My **agent’s** address and phone number are as follows:

[AGENT ADDRESS] [AGENT PHONE NUMBER]

Address Phone Number

If my agent is unwilling or unable to serve, I hereby appoint, [SUCCESSOR AGENT NAME], as my successor agent.

My **successor agent’s** address and phone number are as follows:

[SUCCESSOR AGENT ADDRESS] [AGENT PHONE NUMBER]

Address Phone Number

I intend for my agent to receive any and all of my health records and information as if I were the one requesting such information. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 (aka HIPAA), 42 USC 1420D and 45 CFR 160-164.

I have signed this document on [MM/DD/YYYY] (mm/dd/yyyy).

[\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_](https://esign.com/) [PRINCIPAL PRINTED NAME]

**Principal’s Signature** Print Name

[PRINCIPAL ADDRESS] [PRINCIPAL PHONE NUMBER]

Address Phone Number

**WITNESS ACKNOWLEDGMENT**

On the date set forth above, I hereby state as follows:

The above-named person is personally known to me, and I believe him/her to be of sound mind and to have voluntarily executed this document. I am at least 18 years old, not related to him/her by blood, marriage or adoption, and I am not an agent or successor agent named in this document. To my knowledge, I am not a beneficiary of his/her will or any codicil, and I have no claim against his/her estate. I am not directly involved in his/her health care.

**WITNESS 1**

[\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_](https://esign.com/) [WITNESS PRINTED NAME]

**Signature** Print Name

[WITNESS ADDRESS]

Address

[WITNESS PHONE NUMBER]

Phone Number

**WITNESS 2**

[\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_](https://esign.com/) [WITNESS PRINTED NAME]

**Signature** Print Name

[WITNESS ADDRESS]

Address

[WITNESS PHONE NUMBER]

Phone Number

**NOTARY ACKNOWLEDGMENT**

State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed and sworn to me this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the undersigned authority in and for said County in said State, hereby certify that the Principal \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, whose name is signed above in this living will, and who is known to me, acknowledged before me on this day that, being informed of the contents of the said document, (s)he executed the same voluntarily on the day the same date.

**Notary Public Signature:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Notary Seal)