

# LIVING WILL

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Advice for writing it



# A right enshrined in law

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## What is a living will?

An illness or accident can make it difficult or impossible for you to tell health professionals who you want to take care of you and how you want to be looked after. The living will is your written instructions about the type of care you wish to receive or not in certain situations where you might be unable to express yourself. There is no legal obligation to have a legal will [Swiss Civil Code (CCS), art. 370, 371 and 372].



### ATTENTION

A living will be used only if you are in a situation where you are unable to express your wishes.

## What assurances do you have that your instructions will be followed?

Health professionals are obliged to respect the wishes a patient has expressed in a living will, if the patient is in a situation covered in the living will [CCS, Art. 372, paragraph 2].

# Express your values and beliefs

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## Who can draft a living will?

Anyone in possession of their mental faculties, regardless of their age and state of health otherwise.

## What subjects can you deal with?

Depending on your situation and your experience, you may want to think about what is important to you and how you want to be looked after, and leave explicit instructions. Your living will should be as specific as possible.

For example, you can state:

- ▶ what your expectations are concerning pain and its treatment
- ▶ if you wish to authorize or refuse certain treatments and/or surgical procedures
- ▶ your preferences regarding artificial feeding and hydration
- ▶ any reanimation measures
- ▶ the people to whom you want medical information to be communicated
- ▶ any desired spiritual support
- ▶ the person you want to take decisions about your care, i.e. your treatment representative.

# Designate a **trusted person**

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## **The treatment representative**

By designating a treatment representative, you are assured that the person of your choice will represent you.

That person will be your spokesperson should you no longer be able to indicate your desires. You should talk with this person in advance to make sure he or she understands what is in your living will so as to help them fulfil their role better when the time comes. Your treatment representative is responsible for ensuring your wishes as expressed in your living will are respected and for conveying the values that determine your choices.

Should you should lose your power of judgement, this person would take care decisions on your behalf after receiving the information necessary to understand your health status in a clear and appropriate manner. They could also have access to your medical record.

You can choose anyone you want to be your treatment representative. They do not have to be a member of your family. They must be informed that they have been designated, and they must give their agreement. Their name and contact details appear on your living will.

# Drafting advice

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## How do you go about drafting your living will?

- ▶ Ask yourself what matters to you, and what you want or do not want in terms of health care.
- ▶ As you write your living will, you may have questions. You can contact your GP or another healthcare professional for their advice on a particular question, or on the living will as a whole.
- ▶ Express yourself clearly and avoid vague terms such as “treatment excesses”, “die with dignity”, etc.
- ▶ Your instructions, which might be typed or handwritten, could begin as follows: “I, the undersigned (full name), being in full possession of my mental faculties, make the following declaration voluntarily, on the basis of careful consideration. In the event that I become incapable of taking or communicating my own decisions, I wish the following instructions to be followed: (...)”
- ▶ Designate a treatment representative in advance, if possible. Discuss your wishes with him or her.
- ▶ Date and sign the document by your own hand.
- ▶ State where the original is deposited, the number of copies and to whom they were distributed.

## Standard form

Forms are available from some associations, like the Swiss Medical Association FMH (🔗 [www.fmh.ch](http://www.fmh.ch)), Caritas (🔗 [www.caritas.ch](http://www.caritas.ch)), the Swiss Patients’ Organization (🔗 [www.spo.ch](http://www.spo.ch)), the Geneva Anti-Cancer League (🔗 [www.lgc.ch](http://www.lgc.ch)), Pro Senectute (🔗 [www.pro-senectute.ch](http://www.pro-senectute.ch), charge for form). You can fill them in and add more personal instructions.

# Restrictions

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## You cannot use your living will to:

- ▶ Demand treatment that is not recognised or not provided at a given establishment.
- ▶ Choose a particular public establishment in the event of hospitalization.
- ▶ Demand to stay at home in all circumstances.
- ▶ Ask for assistance with suicide [Criminal Code, art. 115].
- ▶ Ask for euthanasia [Criminal Code, art. 114].
- ▶ Dispose of your belongings.

If there is any doubt about the existence of a living will and in a life-threatening emergency situation (e.g. if there is an accident on the highway), the first action of health professionals will be to save your life. In these special circumstances and faced with an unknown person, the health care team does not always have immediate access to your living will.

## Your wishes after your death

You can tell health professionals about your wishes after your death concerning:

- ▶ donation of your organs for transplant purposes
- ▶ your consent to a medical autopsy indicating who can be informed of the results of the autopsy
- ▶ donation of your body to a medical school
- ▶ your funeral.

## Impressum

This brochure was designed by Dr. Sophie Pautex, associate assistant doctor in the primary care medical service in collaboration with a multi-disciplinary working group and the HUG information group for patients and relatives (GIPP).

# Help

## and possible changes

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### Who can help you to draft your living will?

Your treatment representative, your doctor, a home or hospital health professional, a member of a patients' association: all can help you with your thinking.

### Once it is written, can you change your mind?

Yes, your instructions may be cancelled, added to or amended at any time. You can in particular change your treatment representative.

If you update your document, you must date and sign it again.

### To find out more

Additional information on the internet:

➤ <http://directivesanticipees.hug-ge.ch>

➤ [www.samw.ch](http://www.samw.ch): website of the Swiss Academy of Medical Sciences

To be filled in ►

### I have written my living will

Surname: \_\_\_\_\_

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

Name of treatment representative (if designated):

\_\_\_\_\_

Tel: \_\_\_\_\_



(Keep this with you)

# Keep the original accessible

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## Once it has been drawn up, what should you do with it?

- ▶ Keep the original easily accessible at home or carry it with you (in your health card, with your ID card, etc.).
- ▶ Give a copy to your treatment representative, your GP, home nurses and, if appropriate, the care unit, the hospital that accepts or could accept you.
- ▶ Don't forget to replace all copies when you update the document.
- ▶ You can also put your living will on your file at [www.mondossiermedical.ch](http://www.mondossiermedical.ch)

If you write your living will during your hospital stay, it will be authenticated by the doctor and a nurse and added to your computerized medical record.

You can, if you wish, send your completed living will, dated and signed, to the Legal Division (4 rue Gabrielle-Perret-Gentil, 1211 Geneva 14). You will then be invited to an appointment and received by an employee of the Legal Division and a doctor. Your living will be added to your computerized medical record.

## I have written my living will

- It is in the HUG computerized patient record
- It is recorded on MonDossierMedical.ch
- It is at home
- It is with my GP:
- It is:

Surname/given name(s): \_\_\_\_\_

Tel: \_\_\_\_\_

## ◀ To be filled in

