

## Advance Directives in Texas<sup>1</sup>

**Note:** Texas law now allows an option for a person's signature to be acknowledged by a notary instead of witness signatures and for digital or electronic signatures on the Directive to Physicians, Out-of-Hospital Do Not Resuscitate Order, and the Medical Power of Attorney, if certain requirements are met. Please have your attorney review the law in Health and Safety Code Chapter 166 for the details.

Advance directives are legal documents that allow you to convey your decisions about end-of-life care ahead of time. They provide a way for you to communicate your wishes to family, friends and health care professionals, and to avoid confusion later on.

- Declaration for Mental Health Treatment — This document allows you to make decisions in advance about mental health treatment and specifically three types of mental health treatment: psychoactive medication, convulsive therapy and emergency mental health treatment. The instructions that you include in this declaration will be followed only if a court believes that you are incapacitated to make treatment decisions. Otherwise, you will be considered able to give or withhold consent for the treatments.
- Directive to Physicians and Family or Surrogates Form — This form is designed to help you communicate your wishes about medical treatment at some time in the future when you are unable to make your wishes known because of illness or injury.
- Medical Power of Attorney Form — Except to the extent you state otherwise, this document gives the person you name as your agent the authority to make any and all health care decisions for you in accordance with your wishes, including your religious and moral beliefs, when you are no longer capable of making them yourself.
- Out-of-Hospital Do Not Resuscitate Information & Form (PDF) — This form instructs emergency medical personnel and other health care professionals to forgo resuscitation attempts and to permit the patient to have a natural death with peace and dignity. This order does **NOT** affect the provision of other emergency care including comfort care.
- Statutory Durable Power of Attorney — This form is for designating an agent who is empowered to take certain actions regarding your property. It does not authorize anyone to make medical and other healthcare decisions for you.

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<sup>1</sup> <https://hhs.texas.gov/laws-regulations/forms/advance-directives>