

Advance Directives

An advanced directive is a written document in which a person decides what medical treatment he or she wishes to receive if he or she becomes too ill to communicate. Medical treatment refers to any type of medical method, procedure, or intervention that is administered to a person for the purpose of maintaining vital signs and artificially prolonging life until the time of death.

You have the right to make an advance directive

- Law 160-2001 was amended by Law 218 of September 23, 2024, which recognizes that every person over 21 years of age and who has the capacity to make decisions has the right to declare in advance what he/she wishes about his/her medical treatment in case of suffering a terminal health condition or persistent vegetative state (brain death) that does not allow him/her to express him/herself during the moment in which such treatment should or should not be administered to him/her.
- You do not have to be terminally ill or in a vegetative state to make the declaration.
- You may make the declaration at any time, writing in writing what treatments you wish to receive or refuse. It is important for you to know that you can make use of these directives if a situation arises that requires medical treatment, even if it is not a terminal condition.

How can you make an advance directive?

- In the presence of a notary attorney by affidavit. You will not need witnesses.
- In the presence of medical personnel. This could be your primary care physician, specialist, or personnel at the hospital facility. In this case, you will need two (2) witnesses who are of legal age, who are not in charge of your care, and who are not your heirs.

What should you include in an advance directive?

In a power of attorney or document, you must:

- Name a person to make medical decisions for you. This person will tell you your wishes when you are unable to make decisions about accepting or refusing medical treatment.
- State the medical treatment you wish to receive. This should include whether you wish to receive blood transfusions, be intubated, or be helped to be kept alive artificially, for a short time or permanently, if you wish to donate your organs and tissues, among other directives.

When can you rescind your advance directive?

- Your advance directive may be revoked at any time. If you change your mind, you may edit the document in writing, or you may say so with your two (2) witnesses present, in front of your physician or authorized hospital personnel.

What should you do after establishing an advance directive?

- Give your physician a copy of your advance directive document to add to your medical records. You should also give a copy to the person you name to make medical decisions for you. Talk to close family members about your advanced directive and where they can get a copy of the document.

What if your physician does not comply with your advanced directive?

- This would represent a violation of law No. 218-2024, for which you or the person named in the document may take legal action. To receive guidance, you may contact the Office of the Patient's Advocate at 787-977-0909.

Limitations on advance directives

- Under advanced directives, euthanasia is not authorized in Puerto Rico.
- You may not prohibit the administration of medical resources to manage pain, hydrate, or feed you unless your death is imminent or you are unable to absorb food.
- If a woman is pregnant and suffers from a terminal condition, the advance directive will be without effect until the end of her pregnancy.
- For the document to be legal, it must be signed and sworn to by an attorney.
- The quality of medical treatment should not change because you have an advanced directive.

Social and Emotional Aspect

For recommendations, tools, and resources on how you and your family can cope with emotional and physical concerns that arise during and after any medical treatment, please visit your primary care physician or contact the following phone lines:

Medical Advice Line

1-844-347-7801

TTY/TDD 1-844-347-7804

APS Health 787-641-9133

References:

<https://ayudalegalpr.org/resource/qu-son-las-directrices-anticipadas>

<https://umiamihealth.org/es/patient-,a-,visitors/directrices-anticipadas#:~:text=%C2%BFQu%C3%A9%20es%20una%20directiva%20anticipada,saber%20sus%20intenciones%20por%20usted.>

<https://www.caringinfo.org/es/planificar/instrucciones-anticipadas/por-estado/puerto-rico/#:~:text=Las%20instrucciones%20anticipadas%20son%20un,son%20diferentes%20en%20cada%20estado.>

<https://www.lexjuris.com/lexlex/Leyes2024/lex12024218.htm>

Prepared by Licensed Health Educators. Revised December 2025.
First Medical Health Plan, Inc.