



NEWS, LATEST, CURRENT TOPICS

# ADVANCE HEALTHCARE DIRECTIVES - LIVING WILL

**“In this document, a person can indicate, in advance, their wishes regarding the healthcare they wish to receive, or do not wish to receive (...)”**

Law No. 25/2012 of 16th July regulates advance healthcare directives, namely in the form of a living will, and the appointment of a healthcare attorney, creating the National Register of Living Wills (RENTEV).

The Living Will is a unilateral document, which can be freely revocable at any time. In this document, a person can indicate, in advance, their wishes regarding the healthcare they wish to receive, or do not wish to receive, in the event that, for any reason, they are unable to express their wishes independently. When the Living Will is granted, the grantor must be of legal age and capable.

Advance healthcare directives are formalized through a written document, signed in person before a duly qualified employee of the National Registry of Living Wills or before a Notary.

While the intervention of a doctor is not mandatory, if the grantor uses the collaboration of a doctor to prepare the document, the doctor's identification and signature may appear on the document.

The document is effective for a period of five years from its signature. It should be noted that the advance healthcare directive document remains in force when the grantor becomes incapacitated during this period.

RENTEV services will inform the grantor and, if applicable, their attorney, in writing, of the document's expiry date, up to 60 days before the deadline.

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In summary, in the advance healthcare directive, the grantor can:

- indicate in advance their wishes regarding the healthcare they wish to receive or do not wish to receive, in the event that, for any reason, they are unable to express their wishes independently; and/or;
- appoint a health care attorney, giving him or her powers to decide on the healthcare to be received, or not received, by the grantor, when the grantor is unable to express his or her wishes personally and autonomously. The grantor may appoint a second health care attorney, in case the first is unable to do so.

In the event of a conflict between the provisions in the document and the wishes of the healthcare attorney, the wishes of the grantor as expressed in the document shall prevail.

The document is subject to registration with RENTEV. To register advance directives and/or healthcare power of attorney, the grantor can present the document in person at RENTEV, or send it by registered mail, in which case, the grantor's signature must be certified.

The register has a merely declarative value, and advance healthcare directives or healthcare powers of attorney that are not registered are equally effective, as long as they have been formalized in accordance with the provisions of the law.

Advance healthcare directives and healthcare powers of attorney are a valuable addition to one's general estate planning, ensuring that the choice of medical treatment is respected when one does not have the capacity to express one's wishes.

**“(...) appoint a health care attorney, giving him or her powers to decide on the healthcare to be received, or not received (...)”**

