

99046027000000, 99046027000000

Living will

Heruntergeladen am 08.07.2025

<https://fimportal.de/xzufi-services/10681884/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99046027000000, 99046027000000
Leistungsbezeichnung I	Living will
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	Urkunden und Bescheinigungen (1070200), Erbschaft, Nachlass und Testament (1190200), Altersvorsorge (1180100)
Einheitlicher	

Modul	Sachverhalt
Ansprechpartner	Nein
Fachlich freigegeben am	25.09.2018
Fachlich freigegeben durch	Hessian Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/___1889_bis_1921.html https://www.gesetze-im-internet.de/bgb/___1889_bis_1921.html
Teaser	
Volltext	The doctor and patient work together to provide treatment: The doctor determines what is medically indicated, explains this to the patient and offers him/her treatment. The patient decides whether he/she consents to this treatment. The doctor may not provide treatment against the patient's will. This also applies to life-sustaining and life-prolonging measures. However, even if the patient is no longer capable of giving consent, their right to self-determination requires that their wishes be respected. If there is no clear expression of the patient's wishes in advance, his/her representative (health care proxy or guardian) must decide according to the "presumed will of the patient". It is obvious that determining the presumed will of another person can be very difficult. You should therefore deal with these questions in good time and try to be clear about your own values and wishes. With a living will, you can make provisions and decide for yourself whether and which medical measures should be carried out if you are no longer capable of making decisions. Adults who are capable of giving consent can specify in advance in a written living will whether and how they wish to be treated medically if they are no longer able to express their wishes themselves. A person is capable of giving consent if they can understand the nature, significance, scope and risks of a medical intervention and its refusal and can align their will accordingly. The content of the living will relates to specific situations and provisions regarding medical treatment measures. These include, for example, examinations of the state of health, medical treatment or medical interventions. The more precise

Modul**Sachverhalt**

the provisions are, the better they can be carried out in accordance with the patient's wishes. It is possible to request, restrict or completely refuse treatment. To ensure that a living will can be interpreted in accordance with your wishes even in the case of treatment measures that are not mentioned, it should also contain individual wishes and values. The advance directive must be in writing and signed by hand or by a notary public.

Note: If you are incapable of making decisions yourself, close relatives and trusted friends, such as spouses, siblings, children or partners, can only make decisions regarding examination, care or treatment despite the existence of a living will if a power of attorney has been granted. The person who is to make decisions in your place or enforce the decisions you have made in advance is not determined by the living will. This is a key difference to a health care proxy or care directive.

The living will only serves to implement your wishes regarding predetermined medical treatment methods. A health care proxy, on the other hand, specifies who is authorized to make medical or other instructions on your behalf. However, you can combine a living will and a power of attorney for healthcare by specifying in your power of attorney for healthcare which person is to implement and observe the living will you have made. Living wills and health care proxies therefore complement each other and can be drawn up in parallel. You have the option of registering your living will with the Central Register of Lasting Powers of Attorney in conjunction with a lasting power of attorney. It is advisable to store the living will in such a way that the doctor, authorized representative, guardian and guardianship court can quickly and easily obtain knowledge of the existence and storage location of the living will. It makes sense to always carry a note to this effect with you, preferably with your identity documents. See also
https://verwaltungsportal.hessen.de/leistung?leistung_id=B100019_643439
https://verwaltungsportal.hessen.de/leistung?leistung_id=B100019_643439

Modul	Sachverhalt
Erforderliche Unterlagen	
Voraussetzungen	
Kosten	
Verfahrensablauf	
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	Further information: https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Betreuungsrecht.html https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Patientenverfuegung.html?nn=17134 https://www.patientenverfuegung.de/ https://www.dghs.de/ https://www.betreuungsrecht.hessen.de/ https://www.ekd.de/patientenvorsorge/ https://www.dbk-shop.de/de/deutsche-bischofskonferenz/gemeinsame-texte/christliche-patientenvorsorge.html https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Betreuungsrecht.html https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Patientenverfuegung.html?nn=17134 https://www.patientenverfuegung.de/ https://www.dghs.de/ https://www.betreuungsrecht.hessen.de/ https://www.ekd.de/patientenvorsorge/ https://www.dbk-shop.de/de/deutsche-bischofskonferenz/gemeinsame-texte/christliche-patientenvorsorge.html
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	

Modul	Sachverhalt
Formulare	
Ursprungsportal	Living will, Patientenverfügung