

Getting Your Papers in Order

An overview of advanced care directives

by Bill Dupes

Today's medicine and medical technology save many lives that only 60 years ago might have been lost. And research promises even more life-saving miracles in the future. Sometimes this same technology also artificially prolongs life for people indefinitely, but leaves them unable to make decisions for themselves.

No one likes to think about death and dying, but they are inescapable realities of life just as surely as your 1040 form. And there's no reason to wait until you have grandchildren to do it. Let's face it, none of us are immortal. Any one of us could be hit by a car or become permanently incapacitated tomorrow.

Advanced Care Directives

Advanced care directives (ACDs) are specific instructions, prepared in advance (hence the name), that are intended to allow you to make your own decisions regarding your medical care if you become unable to do so in the future. ACDs are also used to designate someone that you trust to make decisions about medical care if you are unable to make (or communicate) these decisions.

Federal law requires hospitals, nursing homes, and other institutions that receive Medicare or Medicaid funds to offer written information regarding ACDs to all patients upon admission. It's important for all legal adults to consider filling out these documents, to take control of choices regarding our medical future.

Living Will – A living will is not to be confused with a last will and testament, which is designed to distribute assets after a person's death. A living will is a written, legal document that conveys your wishes if you become incapable of communicating them. A living will may indicate specific care or treatment you may or may not wish to have done. This may include specific procedures, such as CPR, intravenous feeding, blood transfusions, or prolonged maintenance on a respirator. State laws vary regarding living wills. Information specific to individual states may be obtained from the state bar association, state medical association, state nursing association, and most hospitals or medical centers.

Health Care Power of Attorney (HCPA) – This document allows you to name a person to act on your behalf to make healthcare decisions for you if you become unable to make them for yourself. An HCPA is different from a financial power of attorney, which you use to give someone authority over your financial matters.

The person to whom you grant an HCPA has the power to authorize and refuse medical treatment for you. This authority is recognized in all medical situations when you are unable to express your own wishes. Unlike a living will, it is not limited to situations in which you are terminally ill or permanently unconscious. For example, your physician or the hospital could consult with your HCPA if you were temporarily unconscious as a result of an accident.

For these reasons, it's a good idea to fill out both documents, since they address different



aspects of your healthcare. A living will applies only when you are terminally ill or permanently unconscious and unable to communicate. An HCPA, on the other hand, becomes effective even if you are only temporarily incapacitated and medical decisions need to be made. Although you are free to complete both of these forms without a lawyer, given the importance of these documents, it's not a bad idea to consult one for advice.

Do Not Resuscitate (DNR) Order – This states that CPR is not to be initiated if your breathing stops or your heart stops beating. If you would like to indicate that you do not wish to have cardiopulmonary resuscitation, you, your HCPA, or your family will need to have a discussion with your physician. A DNR cannot be completed without the physician's help. A physician, certified nurse practitioner or clinical nurse specialist, as appropriate, must complete the DNR.

Organ Donation – This can be done by simply completing an organ donation card and carrying it in your wallet. A second card can be placed with your other papers. Most hospitals

or other major healthcare centers have organ donor information available. Many states offer people who are applying for new or renewed driver licenses the opportunity to make a decision regarding organ donation and have it recorded on the driver license. More information may be obtained by calling 800/24-DONOR.

Recommendations

- In the event you choose to write up a living will or special medical power of attorney, make sure you obtain information regarding specific state laws that may apply and write the documents to be consistent with the laws.
- If you have a living will or special medical power of attorney, provide copies for your family and healthcare providers, and carry a copy with you (in a wallet, glove compartment or similar location). If you have a planned admission to a hospital, take copies for the hospital to include in your medical chart and inform all medical personnel involved with your case of the existence of such documents.
- Additionally, you need an original marriage certificate, military discharge paperwork, safety deposit box, health and life insurance information, beneficiary designation forms, deeds, appraisals and a list of important contacts with telephone numbers.
- Consider the possibilities of the future and plan ahead. Studies have shown that although the majority of people believe having some form of advanced directives is a good idea, only 7 to 8 percent has actually developed any type of advanced directives for themselves. Many people state that they want their families to make healthcare decisions; however, less than half of these people have ever discussed the issue and their specific desires with family members. Remember, these decisions can be changed at any time. If a living will is changed, however, everyone involved including family or proxies and all healthcare providers must be informed and new copies of instructions made and distributed.

The process of establishing ACDs may be difficult. It requires us to think about individual priorities regarding quality of life and the potential for death. Treatment options, as well as their possible influence on quality of life measures, need to be fully understood and considered. The potential implications of choosing or refusing specific forms of care need to be evaluated. Discussions regarding ACDs should be initiated, and later reviewed for clarification, with personal healthcare providers, family members and friends (as applicable).



Potential advantages for individuals who develop ACDs

- Decreased personal worry
- Enhanced healthcare provider knowledge regarding patient's wishes
- Decreased application of "defensive medicine" by provider
- Decreased implementation of futile, costly, specialized interventions
- Decreased overall healthcare costs
- Decreased legal concerns for everyone involved
- Decreased feelings of helplessness and guilt for family.

Related Resources

AARP

Legal Issues, Wills and Estate Planning
www.aarp.org/families/legal_issues

American Bar Association

Commission on Law and Aging
www.abanet.org/aging

MyHealthDirective.com

myhealthdirective.com/index.jsp

U.S. Living Will Registry

www.uslivingwillregistry.com