



Living wills and health care proxies

Help patients confront tough decisions

By Mary M. Murphey

As part of their preparation for an out-of-town trip, people often leave detailed instructions for a friend or family member who has agreed to take care of particular housekeeping needs during their absence. Whether it's how frequently to check the mailbox or how much water to give the begonias, it's a safe bet that the notepad sitting on the kitchen table by the extra set of keys could guide even a toddler through the next few weeks. But unfortunately, that preparedness doesn't always translate very well into the more complicated and delicate areas of life where it is far more invaluable.

Though the idea of arranging one's advance directives can be intimidating, it's the best way for patients to communicate their health care decisions to their loved ones in the event that they are no longer able to be their own advocates.¹ Advance directives are, for many, the only tangible guidance they will have in honoring their loved one's medical wishes.

Different, but equally important

Every state handles advance directives differently, and though the specifics vary, there are essentially two kinds of directives nationwide.² A living will, "is a fairly straightforward state-statutory-driven document that says under what circumstances you would prefer to have extraordinary procedures withheld or withdrawn," says Brad Galbraith, managing attorney of Galbraith Associates, based in Naples, Fla.

A health care proxy, which Galbraith points out is also known as a health care power of attorney and a health care surrogate designation, "is a legal document in which you name someone close to you to make decisions about your health care in the event you become incapacitated."² The living will and the health care proxy work best in tandem—one role of a patient's appointed health care proxy is to carry out wishes declared in the living will and to also make necessary decisions if such decisions aren't clearly addressed in the living will. However, it is permis-

sible to have a health care proxy without having a living will.

Necessary preparations

"I think everyone should have a health care power of attorney," comments Donna Hartl, tax attorney with the Chicago-located firm Golan and Christie LLP. "It's not a health issue. You could be in a car accident tomorrow, and be 18 and very healthy."

Galbraith raises the issue of developing a living will in every estate plan design, and more often than not, his clients are receptive of the idea and already have strong opinions formed. "It's maybe only one out of 100 clients who come through the door who decide that they're just not ready to make any of those decisions." He attributes the majority of the already formed opinions to "the stories that people see in the press that really show that having a living will can reduce conflict and make your wishes clear if something were to happen."

Hartl and Galbraith agree that when choosing a health care proxy, it's

important to designate someone the patient not only knows very well, but also is an individual who is in step with the patient's wishes. "You should name a person who you think will understand and carry out your wishes as best as you can express them," Hartl offers. Choose someone you trust, and have an open dialogue with that person. "You don't want it to be a surprise for someone to know that they're a designated person," she says.

While 75 percent of Americans are in favor of advance directives, only 25 to 30 percent of Americans have actually prepared an advance directive.³ To help increase that second figure, encourage patients to communicate their wishes to their loved ones. It's a powerful discussion that no one will regret. ◀

References

1. National Institute on Aging, US National Institutes of Health. Getting your affairs in order. Available at: <http://www.niapublications.org/agepages/affairs.asp>. Accessed February 27, 2006.
2. US Living Will Registry. Frequently asked questions. Available at: <http://www.uslivingwillregistry.com/faq.shtm>. Accessed February 13, 2006.
3. US Living Will Registry. Fact sheet. Available at: <http://www.uslwr.com/factsheet.shtm>. Accessed February 23, 2006.

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Or, download this from the
website at aama-ntl.org.**

Your living will

Questions to discuss with your health care proxy

Though it's difficult to talk about advance directives, the benefits are two-fold: You ensure that you will receive only the medical treatment you want; and your loved ones will be comforted knowing they honored your wishes.

Drawing up your living will and designating a health care proxy are two crucial steps. Your health care proxy ensures your wishes are carried out and makes unspecified decisions for you, so you want to be sure your appointed person knows you well enough to know what you would have wanted. Listed here are questions to ask yourself and discuss with your health care proxy:

- 1) Do you want a do-not-resuscitate order?
- 2) Do you want to be put on life support?
- 3) What do you want to do if you have a terminal condition?
- 4) What do you want to do if you are in a persistent vegetative state?
- 5) What do you want to do if you fall into a coma?
- 6) Do you want any sort of life-prolonging treatment, which includes receiving nutrition and hydration?
- 7) Do you want to receive electroconvulsive treatment or psychotropic medicine if you have a mental illness and are unable to decide for yourself?
- 8) Do you want to receive a blood transfusion?
- 9) Are there any medical procedures that you want to refuse?
- 10) If you are pregnant, do you want to be kept alive until the baby is born?
- 11) Do you want a specific religious figure present at your death?
- 12) Do you want to donate your organs?
- 13) Do you want to donate your body to science?
- 14) Do you want to be buried or cremated?

Along with this discussion, the National Institute on Aging suggests you show your health care proxy where to access your personal records and appropriate contact information. This includes, but is not limited to, contact information for your family and friends, lawyer, doctor, financial advisor, bank, place of worship, insurance company, and your social security number, a comprehensive list of your medications, a copy of your will and any birth, marriage, divorce, citizenship, or adoption certificates.