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MAKE YOUR WISHES KNOWN; UNDERSTANDING LIVING WILLS AND HEALTH CARE PROXIES

By Amber Smith Staff writer

It's OK to have a feeding tube.

It's OK not to have a feeding tube.

"What's important is that your wishes are respected," says Dr. Thomas Curran, who co-chairs Crouse Hospital's ethics council. If you're like many Central New Yorkers, your wishes on feeding tubes and end-of-life care may be ambiguous, at best, not spelled out in any meaningful or legal way. So should you become unable to speak for yourself, the courts would decide what's best for you.

Curran estimates one in four people have arranged health care proxies or established living wills to specify their medical care. The remaining three out of the four may wonder what a living will and a health care proxy are, if they need either or both, and what they have to do with feeding tubes.

"It's optimal to have both because they complement each other," Curran says.

"The living will puts in some basic terms what your feelings are about end-of-life care. The health care proxy is helpful in navigating through medical catastrophes."

As the Terri Schiavo case dominated the news coverage, Central New Yorkers asked how to protect themselves from similar situations where the end-of-life care wishes of the Florida woman were disputed by family members. Officials from Crouse fielded more than 750 requests for free health care proxy wallet cards that the hospital provides as a community service. And, the New York State Bar Association posted free living will forms on its Web site.

The two documents can help ensure that your wishes are followed at any age, not just at the end of life.

You don't need a lawyer to complete a living will or health care proxy, but **Howard Krooks**, the chair of the elder

law section for the state Bar Association, encourages people to seek legal advice. If the documents aren't signed or dated correctly, for instance, they may be invalid, he cautions.

"To me, these are such important issues, and they have such dramatic consequences if they're not done correctly," he says.

GRAPHIC: GRAPHIC: Living will What it is: A document that provides specific instructions about health care decisions. Why you need it: To spell out your wishes about life-sustaining treatment, and any other wishes regarding health care and treatment - because state courts have ruled your verbal statements about life support are not specific enough to constitute "clear and convincing proof" that they are your wishes. How it works: Clarifies your position, which is especially important if you don't have a health care proxy or if that proxy/health care agent is unavailable. What it should include: General wishes but as many specifics as possible, especially your position on artificial nutrition and hydration. Also consider including: A "do not resuscitate" order. What it's based on: Common law that recognizes competent adults have the right to accept or decline medical treatment (but not in situations to prevent or assist suicide). Also known as: Advance Directive for Health Care or Health Care Declaration Where to keep it: Carry a wallet card that tells of the existence and location of your living will. Who should get copies: If you have a health care proxy/health care agent, it may not be necessary to give a copy of your living will to your doctor, lawyer or other adviser and close family members - as long as your health care proxy/health care agent has it. If you want to change or revoke it: Destroy the document, create a new one, and notify everyone who has a copy, verbally and in writing. Health care proxy What it is: A document that designates someone (and an alternate, if you like) to make health care decisions on your behalf if you lose your decision-making capacity or the ability to understand and appreciate the nature and consequence of health care decisions. Why you need it: Your proxy/health care agent can interpret your wishes as medical circumstances change and make decisions you could not have known would have to be made. How it works: Your designated proxy has no authority to make decisions until your doctor decides that you have lost your capacity to make health care decisions and a second doctor agrees. What it should include: Your views on artificial nutrition and hydration because if your proxy does not have specific knowledge of these views, he/she cannot make decisions regarding them. Also consider including: Your feelings on organ donation. What a proxy is based on: Statute, which also invites people to write a living will. Also known as: Agent, or attorney in fact. Where to keep it: Carry a wallet card. Who should get copies: Your doctor, your proxy and your alternate proxy, your lawyer or other adviser, close family members and yourself. If you want to change it or revoke it: Notify your proxy orally or in writing, and create a new one. Sources: Dr. Thomas Curran, of Crouse Hospital; **Howard Krooks**, chair of the Elder Law Section for the state bar association; New York State Health Department. What would you say about.....? You need to know your beliefs about a variety of medical treatments if you're making out a living will or choosing a health care proxy to make decisions on your behalf. Here are some to consider: * cardiac resuscitation * mechanical respiration * tube feeding * antibiotics * pain relief * antipsychotic medication * electric shock therapy * surgical procedures * dialysis * transplantation * blood transfusions * abortion* sterilization * life support if you are in a permanent coma * treatments if you have a terminal illness * organ and tissue donation Learn more: * Crouse Hospital at www.crouse.org Click on the "what's new" drop-down menu and then select "about the health care proxy," or call 470-7701 for free wallet-sized proxy cards * Excellus Blue Cross and Blue Shield makes available a free advance care planning booklet. Visit www.excellusbcbs.com and click either "guest" or "member." Then click on the "health and wellness" page, and find the advance care planning section. * New York State Bar Association at www.nysba.org Click on "living will/health care proxy forms" beneath the "news, notes and notices" header * New York State Health Department at www.health.state.ny.us Click on "health care proxy" The Post-Standard.