

The “Daily Plan-It™”

Law Office of Robert Sample

Volume 7, Issue 5

3/10/2005

Health Care Directives and Living Wills in Critical Condition

A recent study shows that only 25 percent of adults have medical directives in place, and the majority of these people are elderly or already ill. It's important for people of all ages to have instructions in place and appropriate people designated with the authority to make these decisions.

End-of-Life Issues Dying to be Considered

Three major situations are bringing end-of-life care concerns to the forefront of the health care industry. They are:

1. The debate over how the nation's limited health care resources should be rationed.
2. Religious concerns and beliefs about when life should end.
3. High-profile cases regarding these issues.

Recent Legal Crisis

The recent battle in Florida over a brain-damaged young woman with no written living will has drawn intensive media attention to this issue. In this case, the parents of the disabled woman and the woman's husband are in a drawn out legal battle over the termination of life support. The woman had no written legal document, but was overheard verbally stating her wish to die naturally.

Everyone from the Florida Supreme Court to the Governor of Florida has been involved in this case, but no resolution has been achieved. This situation exemplifies the family anguish that can be caused by the lack of planning for health care.

Families Don't Always Know Best

A recent breast cancer patient, Randy Goldstein, has strong wishes about having a "good death." She realized that if her prognosis were grim, she would need someone to communicate her wishes on her behalf. She chose her best friend as her health care proxy on the proper legal form, after admitting that her husband would not be emotionally capable to abide by her wishes.

Church and Fate

Many religious beliefs impact end-of-life health care decisions. Jehovah's Witnesses, in particular, have

beliefs about blood transfusions that need to be included in their health care directives. The Pope recently issued a statement declaring that feeding tubes should never be withdrawn from a patient until his last breath. This may or may not conflict with a person's personal health care wishes and needs to be addressed in a health care directive.

Two Most Common Mistakes

The two most common mistakes we see with health care directives are:

1. State law typically regulates healthcare documents. Therefore, if a client has moved to another state, the power of attorney or living will needs to be updated.
2. Health care documents need to be updated to be compliant with the HIPAA Act of 2003.

If you have a client with out-of-date or no health care documents, it's imperative to start a conversation about the need for proper planning.

Your Personalized Info Here!

This area of the Daily Plan-It newsletter is used by subscribers to provide information about their firm, upcoming workshops or any other information you would like to include.

Upcoming Workshops

Estate Planning Workshop

❖ October 16, 2004 at 7:00 p.m.

Medicaid Planning Workshop

❖ October 24, 2004 at 2:00 p.m.

Biographical Information

Robert Sample limits his practice to the areas of Estate Planning and Business Law. Our offices are conveniently located just minutes away from...

Perhaps you will include a photo or clip art!

