

Advance directives aid in health, financial decision-making

BY KATE COLBURN

It's not easy to start a discussion with a loved one about end-of-life care. Yet stories in the news of family and court battles over the wishes of patients who cannot speak for themselves demonstrate the importance of beginning the conversation.

REQUESTS AND CHOICES

Advance directives spell out a person's wishes about health care and financial matters in the event of a critical and life-threatening illness or accident. These directives can include a health care proxy, a living will and a power of attorney.

The health care directive lays out to doctors and family members the type of care one wants in the event that person becomes seriously ill and cannot communicate his or her wishes. Even healthy adults without known medical problems should consider drafting a health care directive, which will aid in decision-making regarding levels of care.

The living will addresses desired levels of care during a terminal illness, that is, when a person has less than six months to live. A health care proxy names a family member, friend or professional as an agent who can sign documents and make decisions if one becomes unconscious or unable to make independent medical decisions. If the condition is temporary, an agent will be needed only for a short period of time.

STARTING THE CONVERSATION

According to elder law attorney Michael J. Amoruso, discussions with loved ones regarding advance directives should not be placed on the back burner.

"Unfortunately, people tend to delay discussing advance directives with their loved ones because the topic of one's mortality may

be uncomfortable for some," said Amoruso, an attorney with Amoruso & Amoruso L.L.P. in Rye Brook, chairman of New York State Bar Association Elder Law Section and president of the New York chapter of the National Academy of Elder Law Attorneys.

"Without these documents, however, if an individual becomes incapacitated or incapable of making decisions regarding their care or finances, the family will have no choice but to commence a guardianship proceeding in court to have a guardian appointed to make decisions for them. That process can add unwanted stress on the family and can, if contested, amount to thousands of dollars."

New York state has developed simple advance directive forms that are available online and through hospitals and other health care providers. These forms should be filled out thoughtfully and thoroughly.

"It's not enough for an individual to express a general desire to avoid being sustained by machines," Amoruso said. "The



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advance directive needs to explicitly spell out the person's wishes as they pertain to specific circumstances that may affect quality of life, for example, partial or complete paralysis from a stroke, inability to recognize loved ones

because of Alzheimer's disease or dementia, or stages of a terminal illness. It should include directives not only about 'extraordinary means,' such as machines, but also regarding artificial nutrition and hydration in the event that the person cannot eat or drink independently."

Families often need assistance from an

attorney or other professional with expertise in drawing up advance directives to ensure the documents are written with sufficient detail and clearly express the person's wishes.

LOOK FOR OPPORTUNITIES

It may be easiest and the most comfortable to piggy-back the advance directive discussion onto a medical, financial or legal issue. You might bring up the topic after a doctor's appointment for a check-up or to treat an illness. A meeting with a financial adviser about a retirement portfolio offers a natural segue into a conversation about estate planning and advance directives. The topic could be brought up during or after a meeting with a family or elder care attorney. Family members may even want to suggest privately that the attorney start the discussion.

Advance directives are best addressed when a parent or loved one still is healthy and can clearly express wishes and desires. In this way, loved ones can face critical or end-of-life illness with grace, dignity, comfort and compassion.



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