

# FITTING ALL THE PIECES

Central Michigan District Health  
Department  
HIV/AIDS Case Management Program

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## What If I'm Unable To Speak For Myself?

Before you get sick, it's important that you put in writing the instructions for what kind of treatment you would want and who could make decisions for you if you could no longer communicate your wishes.

Many people assume that their family members would automatically be able to make decisions about medical treatments and life-sustaining measures if they were to become incapacitated. This is not always true!

Rules vary greatly from state to state but in some cases, decisions are left up to doctors and institutions unless you have appointed someone as your legal representative. If the decision falls to family, your family members may not always agree on medical treatment issues, which could lead to extended court battles over appropriate treatment, particularly regarding end-of-life issues.

Ideally you should have a range of the following documents that describe how you want medical and financial decisions handled if you can no longer make them yourself:

- **A health care proxy and a living will**

While each document serves a unique purpose, they work best together. In many states they are combined into one "advance directive" document.

Generally, the most important document to have is the **health care proxy** (in different states, you may hear it called a "durable power of attorney for health care," "medical power of attorney" or "appointment of a healthcare agent"). This document allows you to name someone you trust—such as a spouse or friend—as your "proxy or agent" to make health care decisions for you if you are unable to communicate your wishes because of temporary or permanent illness or injury. This person can generally make almost any medical decision you would and can respond to changing circumstances.

A **living will** has a more narrow scope than a health care proxy. It describes the type of care you want to receive as you near the end of your life in specific circumstances. It typically goes into effect only when your doctor certifies your health condition and that you are no longer capable of making decisions ("incapacitated"). You may also hear a living will called a "directive to physicians," "health care declaration" or "medical directive." It works best as a guide for your agent and physicians.

- **Power of attorney**

A "power of attorney" is a document that allows another person (your "agent" or "attorney in fact") to make property, financial and other legal decisions on your behalf. Your agent may play an important role in your health care, as he or she can pay for health care, choose health insurance policies for you and appeal coverage denials.

You may appoint the same person to be in charge of medical and financial decisions, but to do so requires two separate documents.

Your doctors should make note of your living will and health care proxy in your medical record, and you should give these documents to the hospital upon each new admission. If you are going to be taken to the hospital by ambulance, take these documents with you if you can.

Information taken directly from the Medicare Interactive Website.



## Catrina's Corner

Hi Everyone! I'm thrilled to say that our family is growing bigger and bigger every day. Not only have many new clients joined our program, but we also have a wonderful dietician named Katie on board now. You'll all be meeting her at your next clinic appointments and will have a chance to talk with her about your dietary concerns. She'll also have a monthly highlight in each newsletter. I think we're very lucky to have her with us, and I can't wait for her to jump into our clinics.

For those of you who didn't attend our picnic, boy did you miss out. There was a lot of good food, great friends, and tons of fun, complete with a killer volleyball game. Let me know what you think about this being an annual tradition.

August's support group should be really informative. We have a well known and respected attorney from Clare County coming in to speak about DNR's and Medical Power of Attorney and will be available to answer any questions that you might have about these topics. Sometimes it's difficult to think about these types of situations, but with advanced planning you can be sure that your wishes are followed should something happen to you. This month's letter tries to highlight a couple of these types of topics and will hopefully get your thoughts rolling so that you come prepared with a ton of questions for Ms. Hovey.

I look forward to seeing each of you at the support group on August 18th as well as at the next clinic appointment on August 22nd. We just installed new phone systems here so my new extension is 8821, if you need to reach me. Take care and try to stay cool.

## Clinic Dates

August 22, 2008  
9:00am—4:00pm

September 19, 2008  
9:00 am—4:00pm

October 24, 2008  
9:00am—4:00pm

Clinic is located on the  
2nd floor of the court-  
house in Harrison. Look  
for the Family Planning  
clinic sign

Enjoy the summer weather!  
Remember to use sunscreen  
and/or stay in the shade and  
drink lots of water.

Commitment To Change

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And Able...

Making Health A Priority



## Why Should I Write It Down?

Many people assume that their loved ones could make medical decisions for them if they were sick and could not communicate their wishes. **This is not always the case!**

Each state has different rules about who becomes the default decision maker ("surrogate") if a patient does not have a health care proxy that names someone (a "proxy" or "agent") to make decisions for him or her. In many states, your next of kin can make medical decisions for you; some states allow a "close friend" to be your surrogate. But your surrogate may not be able to decide whether to continue or withhold life-sustaining treatments. Because of their final nature, end-of-life decisions may fall to doctors or hospital administrators.

**You should put your wishes in writing because:**

- If you do not, your loved ones may have to go through a costly, time-consuming court process to obtain the legal right to make medical and financial decisions for you ("guardianship" or "conservatorship").
- If no one is designated to make medical and financial decisions, family members may disagree on who should make those decisions and what they should be.
- Someone who does not know you well may be placed in charge of major treatment decisions.
- Informal oral statements are not as useful as written instructions. While it is important to tell your preferences to your doctors and family, such conversations do not have the same legal weight as a written advance directive. (If a person is physically unable to create a document, oral instructions—properly witnessed—will be legally honored). It will help your family members make difficult decisions at an emotional time.

Information taken directly from the Medicare Interactive Website.

## Do I Need Special Forms or Lawyers?

You do not need a lawyer to create a health care proxy or living will, but you may want to use one if you have unusual wishes or there are disagreements between family members.

- Each state has specific requirements for what information must be included in the documents (including the number and type of witness signatures) to be recognized.

Most states have forms you can use to create health care proxies and living wills—in some cases one form serves both purposes—but most do not require that you use those forms specifically. You can use a standardized form and tailor it to your specific needs as long as it meets all of your state's legal requirements. You should make sure you review these documents fully and discuss the contents with your assigned proxy and loved ones.

You should consult with a lawyer to obtain a power of attorney document that names someone to be in charge of your finances.

The document needs to be tailored to your individual needs and be drafted with precise legal language.

## What Is A Health Care Proxy?

A health care proxy (also known as a "durable power of attorney for health care," "medical power of attorney" or "appointment of a healthcare agent") is a document that allows you to appoint another person (a "proxy" or "agent") to make health care decisions for you if you can not speak for yourself.

Naming a proxy is one of the most important things you can do to ensure that you always get the health care you would prefer.

You do not have to be terminally ill for a health care proxy to go into effect; you only need to be unable to communicate your wishes due to temporary or permanent illness or injury. In some cases a doctor may have to certify that you are "incapacitated."

If you regain the ability to make your own decisions, you will again be able to speak on your own behalf. You should look at the health care proxy document periodically to ensure that the person you originally chose as your agent is still the person you would most prefer. If your preference changes, you can change the document.

As long as you give your agent permission, he or she will have the flexibility to make most treatment decisions and access any medical records that you would.

**It is critical to appoint someone**

- who you trust;
- who knows you well and understands your medical preferences;
- who will be assertive in making decisions; and
- who will honor your wishes.

**Some things you should discuss with your agent:**

- personal attitudes towards health, illness, dying and death;
- religious beliefs;
- feelings about doctors and other caregivers;
- feelings about palliative (comfort) care versus life-sustaining treatments like artificial nutrition and hydration; and
- preference for what treatment you would want if you were unconscious for a long period of time and not expected to recover.

Where issues arise that have not been discussed, the guiding principle for the agent is to act in the patient's best interests. Ideally, you should have a health care proxy and a "living will" that states your preferences for end-of-life treatments. The living will can act as a guide for your agent as well as for physicians. Many states combine proxies and living wills into one "advance directive" document.

**Some important things to know about health care proxies:**

- Health care proxy documents generally allow you to name a second person who can act as your backup "agent" if for some reason your primary agent cannot fulfill his duties. You should always name a backup agent.
- If you do not appoint a health care proxy and can no longer make health care decisions, state law decides who can make decisions on your behalf. That power may go to a doctor, family members or hospital administrators.
- If there is no one you trust to make health care decisions for you, you should not name anyone as your agent, and instead create a living will to advise your physicians about your preferences.
- A health care proxy generally only gives your agent the power to make medical decisions. Whether changing your health insurance (such as your Medicare drug plan) is considered a financial decision, not a medical decision will depend on state law. In many states, you may need to appoint a power of attorney for this.

You do not need a lawyer to write a health care proxy. You can use a standardized form and tailor it to your needs but make sure that it meets all of your state's legal requirements. Discuss the document with your health care agent and your loved ones.

Information taken directly from the Medicare Interactive Website

# What Is Power of Attorney?

A power of attorney is a legal document that lets you appoint another person (your "agent" or "attorney in fact") to make property, financial and other legal decisions on your behalf.

Power of attorney is relevant to health care because the person you appoint to manage your finances may have an indirect but important role in determining the health care you receive, because someone with power of attorney can deal with issues of medical treatment, medical insurance and enrollment in government health benefits (such as selecting your Medicare drug plan).

A "durable" power of attorney is effective while you can still manage your own finances and allows for your agent to handle specific transactions. A durable power of attorney allows your agent to make property, financial and other legal decisions from the time that you sign it until your death or decision to revoke their power. A durable power of attorney is legally valid even if you become physically or mentally incapacitated.

You can appoint the same person to manage your finances and make health care decisions (using a "health care proxy" or "medical power of attorney") but to do so requires two separate documents.

Rules about Powers of Attorney—including limitations on what an agent may or may not do—vary from state to state. You can also set limits on your agent's powers.

**But with regards to your health care, you can generally give your agent the ability to:**

- collect Medicare, Social Security and other government benefits on your behalf;
- manage/change your health insurance policies and plans;
- manage your funds to help you pay for medical treatments and long-term care services (such as help at home or residence at an assisted living facility).

**You can also give your agent the power to:**

- use your assets to pay your bills
- file your taxes
- operate your small business
- conduct your banking transactions
- manage your investments

- buy, sell and manage your property
- manage your retirement accounts
- hire someone to represent you in court

If you give someone power of attorney, you do not give up the right to make decisions for yourself. However, any decision your agent makes has the same legal consequences as if you had made it yourself. You should look at the power of attorney document periodically to ensure that the person you originally chose as your agent is still the person you would most prefer. If your preference changes, you can change the document.

Power of Attorney documents generally allow you to name a second person who can act as your "agent" if for some reason your primary agent cannot fulfill his duties. You should always name a backup agent.

You should consult with a lawyer to create a power of attorney document. The document needs to be tailored to your individual needs and be drafted with precise legal language.

Information taken directly from the Medicare Interactive Website.

## What Is A DNR?

When a person experiences breathing or heart failure, hospitals, nursing homes and emergency medical technicians (when you call 911) will take aggressive measures to resuscitate the person—generally referred to as cardiopulmonary resuscitation (CPR).

If you do not want CPR, you may have a do-not-resuscitate order (DNR), a document which states that you do not wish to receive cardiopulmonary resuscitation (CPR) if your heart or breathing stops.

A DNR is only a decision about CPR and will not affect whether you receive other medical treatments.

CPR, when successful, can restore a person's heartbeat and breathing, but its success depends on the patient's overall medical condition. CPR—which may comprise simple methods like mouth-to-mouth resuscitation and chest compressions or advanced tactics like electric shock—may not help, or may harm people who are very frail, seriously debilitated or terminally ill. In such cases, resuscitation can lead to brain damage or other serious conditions.

People who are very sick may not want to have CPR performed on them or be placed on a ventilator to have their life prolonged.

Other things to know about DNRs:

- A DNR is the only document that emergency responders (such as EMTs and 911 responders) must follow and must be produced at the scene of an emergency to be recognized. It is valid whether you are in the hospital, at home, or in another setting. If you are in the hospital and very sick, a doctor may ask if you want a DNR order on your medical record.
- A DNR order should only be given with your consent (or that of the person making health care decisions on your behalf).
- A doctor must sign the form in order for it to be valid. If you are not staying in the hospital, your doctor

may give you a state-approved form, necklace or a tag that would inform emergency responders of your wishes.

- You can request a DNR. You should ask your doctor where you can get the form (you could also ask your local medical association or health department).
- Before making a decision about a DNR, you should talk to your doctor about the benefits and risks of CPR.

In many cases, for a DNR to stay valid it will have to be reissued on a regular basis, for example, every 30 days. Every state has different rules about how often a DNR must be reissued. A DNR should be reviewed periodically as part of an ongoing treatment plan.

Information taken directly from the Medicare Interactive Website

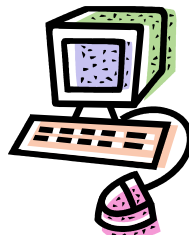
## Support Group

August 18, 2008	DNR Order and Durable Medical Power of Attorney
September 15, 2008	Grief/Loss
October 20, 2008	Grief/Loss...continued
November 17, 2008	To Be Announced

Support Group meets 5:30-7:00pm. Call Catrina at 989-539-6731 ext. 21 for location and directions

## Websites

[www.cmdhd.org](http://www.cmdhd.org)  
[www.medicareinteractive.org](http://www.medicareinteractive.org)  
[www.michigan.gov/documents/miseniors/AuthorityAct\\_194202\\_7.pdf](http://www.michigan.gov/documents/miseniors/AuthorityAct_194202_7.pdf)  
[www.lsem-mi.org](http://www.lsem-mi.org)  
[www.legalaidwestmich.org](http://www.legalaidwestmich.org)  
[www.lsnm.org](http://www.lsnm.org)



## Contact Information

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