

PUBLICATION

Include Health Care Planning in Your Estate Planning

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The COVID-19 pandemic has given all of us a chance to take inventory of our lives and consider the "what ifs" of our health care situation. Advance care planning is for everyone. As we have seen, COVID-19 can impact anyone, no matter your age or state of health. Likewise, anyone can suffer a brain injury or neurocognitive impairment from automobile accidents, anesthesia accidents or cardiac arrest. Advance care planning optimizes end-of-life care when the patient is unable to make health care decisions. Advance care planning is a recurring process because patients often change their end-of-life treatment preferences unpredictably. Periodic conversations with your health care provider and legal counsel are helpful as you change stages of life and/or health.

Tools for Advance Care Planning

Advance Directive – Legal Documents that include Durable Power of Attorney for Health Care or Living Will

An advance directive protects a person's legal right to choose care, even if they become mentally or physically unable to choose or communicate their wishes.

Physician Orders for Scope of Treatment (POST) or Physician (or Provider) Orders for Life Sustaining Treatment (POLST)

The function of the POST is to implement a patient's wishes through a medical order. POLST orders are an approach to improve end-of-life care, encouraging providers to speak with patients and create specific medical orders to be honored by health care workers during a medical crisis. They are usually intended for patients with life-limiting illness (i.e. likely to die within one year).

Do Not Resuscitate (DNR) Order

A Do Not Resuscitate Order is set up before an emergency and allows a person to choose whether or not they want CPR during an emergency. It is specific about CPR and does not have instructions for other treatment, such as pain medicine, other medicines or nutrition. A person may not want CPR if there is no medical benefit expected, if quality of life would suffer (such as a person who is elderly or very frail), or if death is expected soon (such as a person with a terminal illness who may not want aggressive interventions and would prefer a more natural, more peaceful death).

Many state laws recognize the fundamental right of adults to make autonomous health care decisions and provide mechanisms for protecting that autonomy. Obtaining legal advice to protect your interests and to match the execution of documents to your needs and desires is recommended no matter your age or state of health. Having the proper documentation will allow you to communicate your wishes and allow your loved ones to avoid the legal pitfalls when family members are asked to make decisions without adequate authority or are prevented from making decisions.