

PLANNING AHEAD - ADVANCE DIRECTIVES

HEALTH CARE PROXY (HCP) - enables an individual to name a person to act as health care decision maker (proxy) in the event that he/she becomes unable to make health care decisions. This proxy may make any health care decisions that could have been made by the patient, including authorizing medical care, selection of care options, and refusing medical care. A proxy may refuse artificial nutrition and hydration (tube feeding and water) for a patient only if the patient's wishes in this regard are clearly known, preferably through written instructions.

LIVING WILL - a statement that a person does not wish to have certain extreme or heroic measures taken to prolong his/her life if ill with no hope of recovery. Although Living Wills are advisory rather than legally binding in New York State, they may serve as guide for the attending physician, or as specific instructions for the person serving as Health Care Proxy.

DO NOT RESUSCITATE (DNR) ORDER - This is an order that informs medical providers not to perform cardiopulmonary resuscitation if the patient's heart has stopped beating or they have stopped breathing. Medical staff is required to attempt CPR regardless of the person's medical status unless there is a DNR Order in place.

POWER OF ATTORNEY (POA) - permits an individual (*the principal*) to appoint one or more persons as *agent*. The agent may handle most legal or financial transactions on behalf of the principal. A General Power of Attorney becomes effective as soon as it is physically delivered to the agent. The law also provides for a "springing" Power of Attorney, which delays the agent's legal authority to a future date upon the happening of an event specified by the principal (example: doctor's certification of incapacity). The authority granted through a Power of Attorney may be general, or may be limited to a specific transaction, such as banking. If the Power of Attorney is to be used for any real estate transaction, it must be recorded with the clerk of the county in which the real estate is located. Recording also makes the Power of Attorney a public record. There is no limit for such recording; old powers of attorney may be recorded at any time.

MEDICAL ORDERS for LIFE-SUSTAINING TREATMENT (MOLST) - The MOLST Program is designed to improve the quality of care people receive at the end of life. It is based on effective communication of patient wishes, documentation of medical orders on a brightly colored pink form and a promise by health care professionals to honor these wishes. The MOLST form is a bright pink medical order form signed by a New York State licensed physician that communicates patient wishes regarding life-sustaining treatment to health care providers. These valid medical orders must be followed by all health care professionals in all sites of care, including the community. The form includes medical orders and patient preferences regarding CPR (cardiopulmonary resuscitation), intubation and mechanical ventilation, artificial hydration and nutrition, antibiotics, and future hospitalization and transfer. For further information, view www.CompassionandSupport.org.

These all require signed, properly witnessed forms. It is important to note that a person cannot serve as witness to a form that appoints him/her as agent or proxy. Advance Directives must be signed while the principal or patient is still competent, but will continue to be effective if he/she subsequently becomes incompetent. Proper advance planning can avoid the time and expense of going to court for guardianship proceedings if a person becomes impaired.

For more information about Power of Attorney, Health Care Proxy and Living Will, contact your attorney or the Genesee County Office for the Aging at 585-343-1611. Genesee County Office for the Aging contracts with a legal provider to assist Genesee County residents age 60+ with various legal services.