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NEWSLETTER

Issue 45

Make your medical wishes known

A living will can make sure you get the type of treatment you want

The recent battle over the medical treatment of Terri Schiavo in the United States brought to light the importance of making your medical wishes known. In this tragic case, Schiavo's husband and parents held a much publicized fight over whether the severely brain-damaged woman would have wanted to be kept alive by machines after doctors declared she had no hope of recovery.

It took almost eight years of court and media battles—reaching as far as the office of the president of the United States—before the case was finally settled, and the feeding tube keeping Schiavo alive was removed. Undoubtedly, if she had made her wishes known through a *living will*, some of the heartache and hard feelings suffered by Schiavo's family and friends could have been avoided.

A living will is a document that states what type of treatment you want—or don't want—if you become ill and unable to communicate. For example, you could write down that you want everything possible done to keep you alive, or you could request that nothing be done. Most living wills end up somewhere in the middle, requesting some treatments and refusing others depending on the circumstances.

Who should have a living will?

Living wills are for everyone, not just older adults or those with debilitating illnesses. In the case of Terry Schiavo, a relatively young and healthy woman suddenly became seriously ill and unable to communicate.

Parents need to remember that they may not be allowed to make medical decisions on behalf of their children once they reach the legal age of majority. As difficult as it is to think about your child this way, it is equally important for them to name someone to act on their behalf.

If you suffer from a chronic illness that may lead to incapacitation, it is especially important that you prepare a living will to let your doctors and family know what types of treatment you want to receive. This will not only ensure your wishes are followed, but also help take the pressure off family members making painful decisions about your medical care.

Is a living will legal in Canada?

"Living will" is a general term describing the different legal *directives* used in each province and territory to deal with a person's medical wishes.

For example, in Alberta living wills are called "personal directives" and must be signed by an official witness. While in Ontario, a living will is called "power of attorney for personal care" and can be used to appoint anyone over age 16 to make medical decisions on your behalf.

Each province and territory deals with living wills differently. If you choose to write your living will yourself, you must follow all the regulations regarding living wills in your province or territory to make it a legal document. It is a good idea to talk to your lawyer about his and give them a copy of your living will when it's done. He or she can make sure it is legal, and help make sure your wishes are followed.

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Make your wishes known (continued)

It is also important to realize that a living will is different from your “last will and testament.” Your last will and testament covers only the distribution of your property after you die, and does not include any information about your personal wishes for medical treatment while you are alive. Therefore, it is a good idea to have both.

Finally, despite the fact that a living will is sometimes called “power of attorney for personal care” or “an enduring power of attorney,” it is different from what is usually referred to as a “power of attorney,” which only names someone to make *financial* decisions on your behalf.

What do I put in my living will?

In general, a living will usually contains two parts: a *proxy directive*, naming the person you want to make decisions for you, and *instruction directives*, which describe the treatments you would like to receive under different circumstances.

In a *proxy directive*, parents often choose one or more of their adult children to be their proxy, and make decisions on their behalf. While this certainly is a testament to the strong bond that exists between parent and child, some children feel that deciding to continue or discontinue treatment affecting the life of their parent is far too emotional a decision to make.

It is important to speak to your proxy before you complete your living will to make sure they feel comfortable in their role. In fact, discuss some of the hypothetical situations in your living will with them in detail, or include them in the writing process. The better they understand your wishes, the more confident they will feel that they are making the right choices for you.

Also, you may want to consider naming more than one person as your proxy. Two close friends or family members can turn to each other for discussion, evaluation and support when making tough decisions. In this case, however, you may also need to include a process—such as mediation or third-party decision-making—in your living will to deal with any disagreements.

Instruction directives include detailed information about what type of treatments you want to receive. If you have a chronic illness, it is a good idea to speak to your doctor about specific complications related to your illness and its treatments, and include these in your living will.

Even if you are perfectly healthy, your doctor can help you understand different medical treatments and illnesses and how they can affect your quality of life. He or she can also help you write your living will so that it will make sense to other doctors and answer any questions they may have.

Remember, it is perfectly all right to change your mind about your proxy, or the different treatments you would like to receive. But, if you change your mind, you must also change your living will. In fact, it’s a good idea to review your living will every couple of years and when there are important changes in your life (i.e. marriage, divorce, etc.). When you change your living will, make sure to destroy the old copies, so they won’t get mixed up.

Finally, once your living will is written it is extremely important that you tell people about it. Give copies to your family, doctor and lawyer, and invite close family and friends to discuss it with you. You may even want to take a copy with you when traveling in case of an emergency. The more you make your wishes known, the easier it will be for your doctors, family and friends to do what is right for you.

Resources

1. CBC News backgrounder: living wills
www.cbc.ca/news/background/wills
This site has links to information about living wills in 12 provinces and territories.
2. University of Toronto Joint Centre for Bioethics
www.utoronto.ca/jcb/outreach/living_wills.htm
Includes blank documents you can use to create your own living will.

Besides the Internet, many bookstores carry “living will” kits and forms. Or contact your EAP counselor for advice.

Family Services offers confidential professional assistance on a wide variety of personal and work-related issues. For more information on your EAP, call:

1-800-668-9920