

ACTIVE AGING

Healthcare Powers of Attorney And Living Wills

by Michelle C. Berk, Esquire

Have you ever noticed that you are always asked if you have a Healthcare Power of Attorney and Living Will, even at a mundane visit to your healthcare provider just for blood work? Why is that? Attorneys urge everyone to have a Healthcare Power of Attorney and Living Will, preferably prepared by an Elder Law attorney. They are combined in one document.

The document can be required for admission to a medical, nursing, residential or similar facility or entering into care agreements as well as in making anatomical gifts, etc.

One of the most important provisions is where the Principal (you), appoint a Healthcare Agent, and an alternative Agent or Agents, to enforce your healthcare instructions and provide the Agent's address and telephone number. Naming Agents and alternative Agents in the Healthcare Power of Attorney and Living Will prevents the absence of authority if you are incapable of instructing healthcare providers of

your healthcare decisions. If you do not have this document, it might be necessary to file a Petition to Appoint a Guardian. The Petition seeks clarification of the Principal's healthcare decisions, determines who will act in their best interests, and who is authorized to make those decisions. Family, medical facilities, and healthcare providers' confusion and even ensuing litigation might result. They can all go to Court to determine who should make your end of life and healthcare decisions if they are not set forth in a properly written Healthcare Power of Attorney and Living Will. Alternatively, if an Agent is not designated in a Healthcare Power of Attorney and Living Will, Pennsylvania law provides a hierarchy of healthcare decision-makers related to you who can act for you. To prevent this, you can enforce your wishes by simply drafting and signing a Healthcare Power of Attorney and Living Will while you have capacity which is not defined by the statute, just that you be of "sound mind."

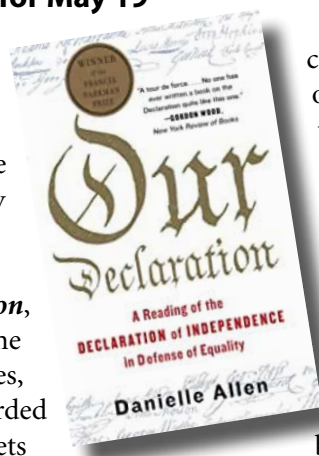
In the Living Will section of the document, the Principal selects by writing "I DO WANT" and also by initialing their choices from a menu of healthcare options in the event of an end-stage medical condition or other extreme irreversible medical condition. If you do not want to receive any life prolonging procedures, you leave the spaces blank. The Living Will only applies "IF I HAVE AN END-STAGE MEDICAL CONDITION (WHICH WILL RESULT IN MY DEATH, DESPITE THE INTRODUCTION OR CONTINUATION OF MEDICAL TREATMENT) OR AM PERMANENTLY UNCONSCIOUS SUCH AS AN IRREVERSIBLE COMA OR AN IRREVERSIBLE VEGETATIVE STATE AND THERE IS NO REALISTIC HOPE OF SIGNIFICANT RECOVERY."

It is important that you update your Healthcare Power of Attorney and Living Will whenever you have changes in your personal situation, including a move to Pennsylvania from another state.

Lunch and Books Planned for May 19

Lunch and Books will meet on Tuesday, May 19, at 12 noon at Positano Coast, 212 Walnut Street (2nd Floor). Lunch will be followed by a book review led by Mark Raymond.

Featured book is *Our Declaration*, by Danielle Allen. Featured on the front page of the New York Times, *Our Declaration* is already regarded as a seminal work that reinterprets the promise of American democracy through our founding text. Combining a personal account of teaching the Declaration with a vivid evocation of the colonial world between 1774 and 1777, Allen, a political philosopher renowned for her work on justice and



citizenship reveals our nation's founding text to be an animating force that not only changed the world more than two hundred years ago, but also still can. Challenging conventional wisdom, she

boldly makes the case that the Declaration is a document as much about political equality as about individual liberty. Beautifully illustrated throughout, *Our Declaration* is an "uncommonly elegant, incisive, and often poetic primer on America's cardinal text" (David M. Kennedy).

2020 Census Has Begun

Full rollout of the 2020 Census began in mid-March and for the first time, you will be able to respond online. By now, your household has received an invitation in your postal mailbox to respond to the census online, along with an ID that matches your home address. You are encouraged to use the ID if you are using the Internet to complete the form. If you have not responded by mid-April, you will then receive a paper questionnaire. You may also answer the questionnaire by telephone and, of course, the old fashioned way – by mailing back the paper form.

There has been a U.S. Census every decade since 1790. The results determine how many congressional seats each state gets and how \$1.5 trillion in federal spending is distributed.