

Talk About Wills, Power of Attorney and Inheritance

By Gail Rink

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Taking care of the business of living is often easier than talking about it. Wills, Durable Powers of Attorney, inheritances and finances are all awkward topics to discuss. Each requires us to contemplate our own death or the death of a loved one.

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Several years ago my only child, a daughter, was visiting from her home in Oregon. Throughout her visit, I procrastinated about having the talk. It was time for me to name her my Durable Power of Attorney for Health Care. (DPA) I chose the few minutes we had together at the airport before she boarded the plane.

“Beth, we need to talk about my Durable Power of Attorney for health care. I want you to be my agent when I am incapacitated,” I told her.

“Mother, do we have to talk about it now?” she questioned me with a certain tone in her voice.

“Oh, no, I was just trying to make it easy for you” I explained.

As she rises from her chair to depart, she astutely responds, “In a busy airport with everyone listening? Mother! I think hospice can do better than that!”

Busted!

Two years later, I broached the subject again. This time Beth and I were visiting her aunt and uncle at their home in the Adirondack Mountains. Her cousin, Mark, and his wife were also there. Since I wanted Mark to be my second agent, I thought this a good time to do the paperwork. On Sunday morning, I gathered all of us on the porch with our coffee and I started to talk about it.

I told Beth what my wishes were if she ever has to make a decision about my health. I told Mark why I wanted him to be a support to her. I answered their questions and listened to their responses. “Why don’t you want dialysis treatment? Whataya mean, you don’t want to be resuscitated if you die unexpectedly? What does 'no machines' mean? Well, I understand why you don’t want a feeding tube, you’re such a good cook. Mother, this is depressing! Aunt Gail, we’ll do whatever you want.”

I think my experience is typical of the awkwardness we all feel when having to have this conversation with someone we love. And yet, I believe we must have it, and we must be as clear as we can in discussing such tender topics. Clarity gives the people who love us the information and permission to implement our wishes; clarity we hope will help to lessen the pain, doubt and anxiety for our loved ones as we approach death.

A Durable Power of Attorney for Health Care (DPAHC) is one kind of advanced directive. A DPAHC states who you have chosen to make health care decisions for you. It becomes active if you are unconscious or unable to make medical decisions.

The Living Will is another kind of advanced directive. The primary differences between the Living Will and the Durable Power of Attorney for Health Care are that the Living Will applies only when a physician has determined that the patient suffers from a terminal, incurable or irreversible condition and death is imminent.

The Durable Power of Attorney for Health Care allows the agent to make decisions any time the patient is unable to make decisions on his or her own behalf. The Living Will declares specific treatment decisions, while the Durable Power of Attorney for Health Care names an agent to make the decisions for the patient.

The steps I suggest to prepare your own Durable Power of Attorney for Health Care are:

- Discuss with your physician the types of life-sustaining treatments available.
- Decide what treatments you might want or don't want.
- Secure the document.
- Read all instructions carefully to ensure you have included all the information and that your documents are witnessed properly.
- Distribute photocopies to your doctor, family members and certainly to the two people you select as your decision makers. Originals of DPAHC need to be kept in a safe place where access is easy. Note the location of the photocopies or where the originals are kept.
- Review the document annually to determine any changes.

[Click here](#) to download the California Medical Association's Advance Health Care Directive Kit at our

Hospice of Santa Barbara, which also distributes the Five Wishes document. It is unique among all other living wills and health agent forms because it looks to all of a person's needs: medical, personal, emotional and spiritual. Call our office, 805.563-8820, and ask for the forms to be mailed to you.

Remember, a Durable Power of Attorney is intended to honor your wishes to maintain a quality of life in the face of death. Have the courage to have the conversation; your legacy to your family is peace of mind.

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