

# Communicating Your End-of Life Wishes

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One of the most difficult yet important estate planning documents that clients of elder law attorneys execute is the Physician's Directive or "Living Will," a document that communicates your end-of-life wishes to family, physicians, emergency rooms and emergency medical technicians, and nursing homes.

The difficulty comes into play when a client has not pre-considered his or her end-of-life choices or discussed them with family members and physicians. However, it's an extremely essential discussion to have and well before the potential for incapacity occurs.

Because the Directive communicates one's wishes about whether or not to be kept alive on artificial life support, if declared to have an irreversible or terminal illness or injury, it requires a clear understanding of the choices available. An elder law attorney can help explain these important choices and how they differ.

The first choice is to withhold life sustaining treatment, meaning all treatments are to be withheld except for those that would keep one comfortable and allow one to die as gently as possible.

The second choice is not to withhold life-sustaining treatment and to be kept alive in a terminal condition using all available treatments, such as a respirator, hydration and nutrition through IV or feeding tube. Though, this decision does not apply to hospice care.

The third choice specifies that one's doctor, and agent under Medical Power of Attorney will decide together whether or not to discontinue or withhold life-sustaining treatment.

Often people forget that the Living Will becomes effective only when an individual is determined a "qualified patient," meaning a patient with a terminal or irreversible condition that has been diagnosed and certified in writing by the attending physician, and who is unable to communicate his or her wishes.

If unsure of what decision is the right one for you, it may be helpful to actually see what it looks like to be kept alive on life support. Recently, two Harvard Medical School physicians founded the non-profit organization Advance Care Planning Decisions, which produces peer-reviewed videos of end-of life situations so that people can actually see what it looks like to be kept alive artificially.

Their motive was that words alone did not adequately communicate to their patients what dying is like. Instead, they felt that by showing a video of someone on a ventilator who is being fed through a feeding tube, this would provide a clearer understanding and therefore aide patients with the end-of-life decision making process.

Death is certain. Thus, communicating one's preferences regarding life support and leaving a plan in writing that's witnessed by two disinterested persons should be made a part of everyone's estate planning matters. An experienced elder law attorney can assist individuals with these difficult decisions.

