

LIVING WILLS

Remember Terri Schiavo? Terri suffered severe brain damage in 1990 following a heart attack, and she recently died (apparently comatose) in a nursing home following the cessation of her food supply by her husband, Michael. Mr. Schiavo acted under court orders and claimed that Terri did not wish to have her life prolonged by artificial means. Her parents wanted her left on her supply, and the matter went to the United States Supreme Court which ruled that her husband had the right to act on her behalf. The legal fees to determine that one point of law must have been staggering and they could have been avoided.

Terri could have prepared a "Living Will", a document that tells the world what a person wishes if ever found in that situation. Medical professionals are bound to follow a living will, but the weak link in the process is that someone has to present the document to the medical team. There is a stronger document entitled a Health Care Directive, prepared beforehand and which you purposely placed into your medical file. I advise my clients to give a copy of the Directive to their physician and to the records office of any hospital where they were recently treated. The Directive is just that, a "directive" that must be followed according to Washington State law. A directive is such a strong device that the courts can compel a medical professional to follow the terms of the directive to the "T".