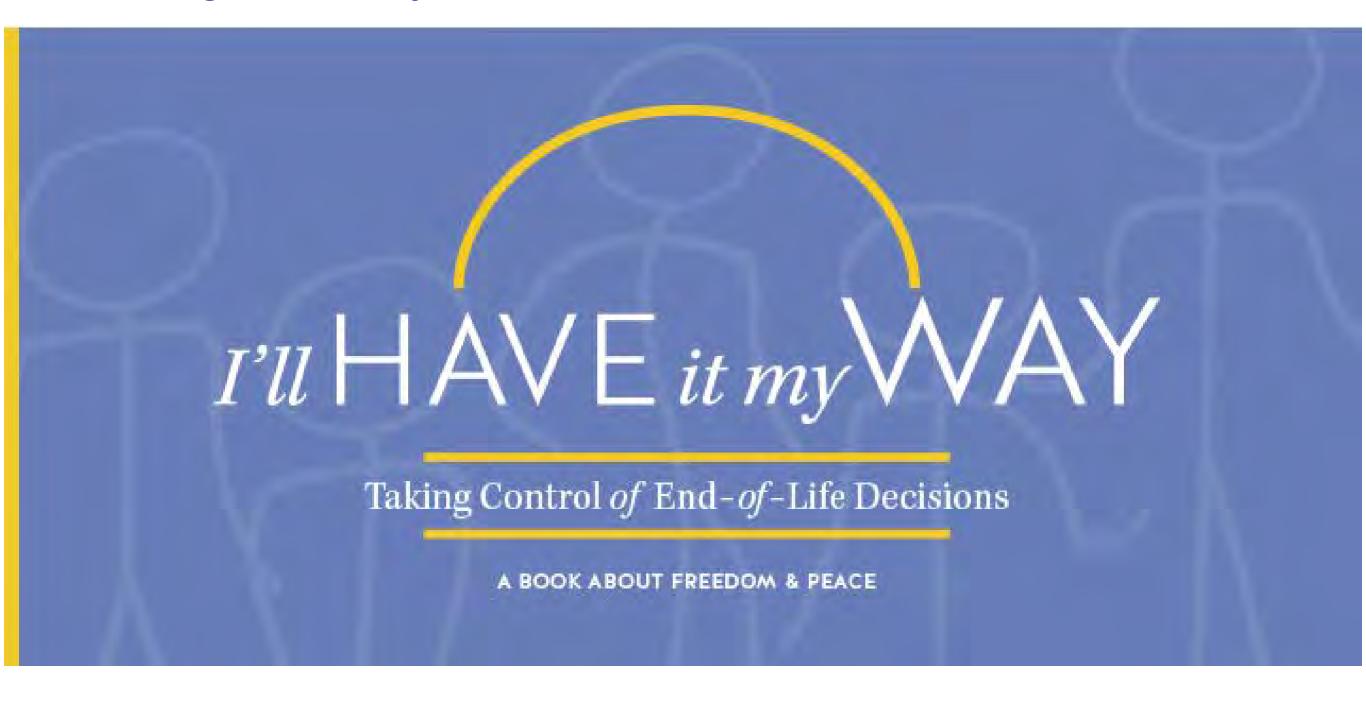
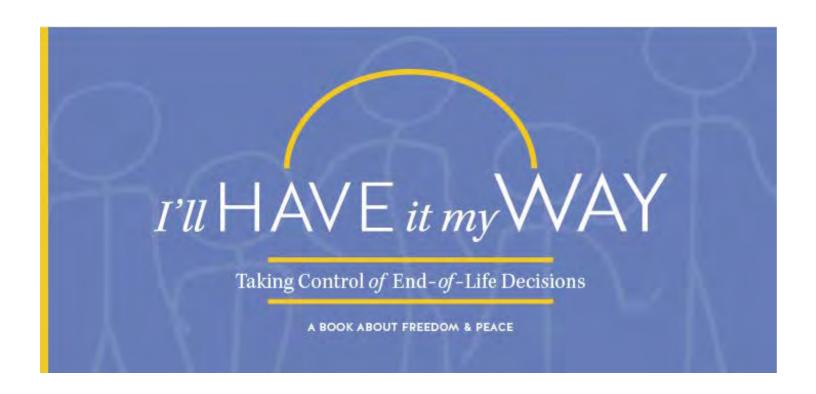
4 Things Attorneys Don't Tell You about Advance Directives

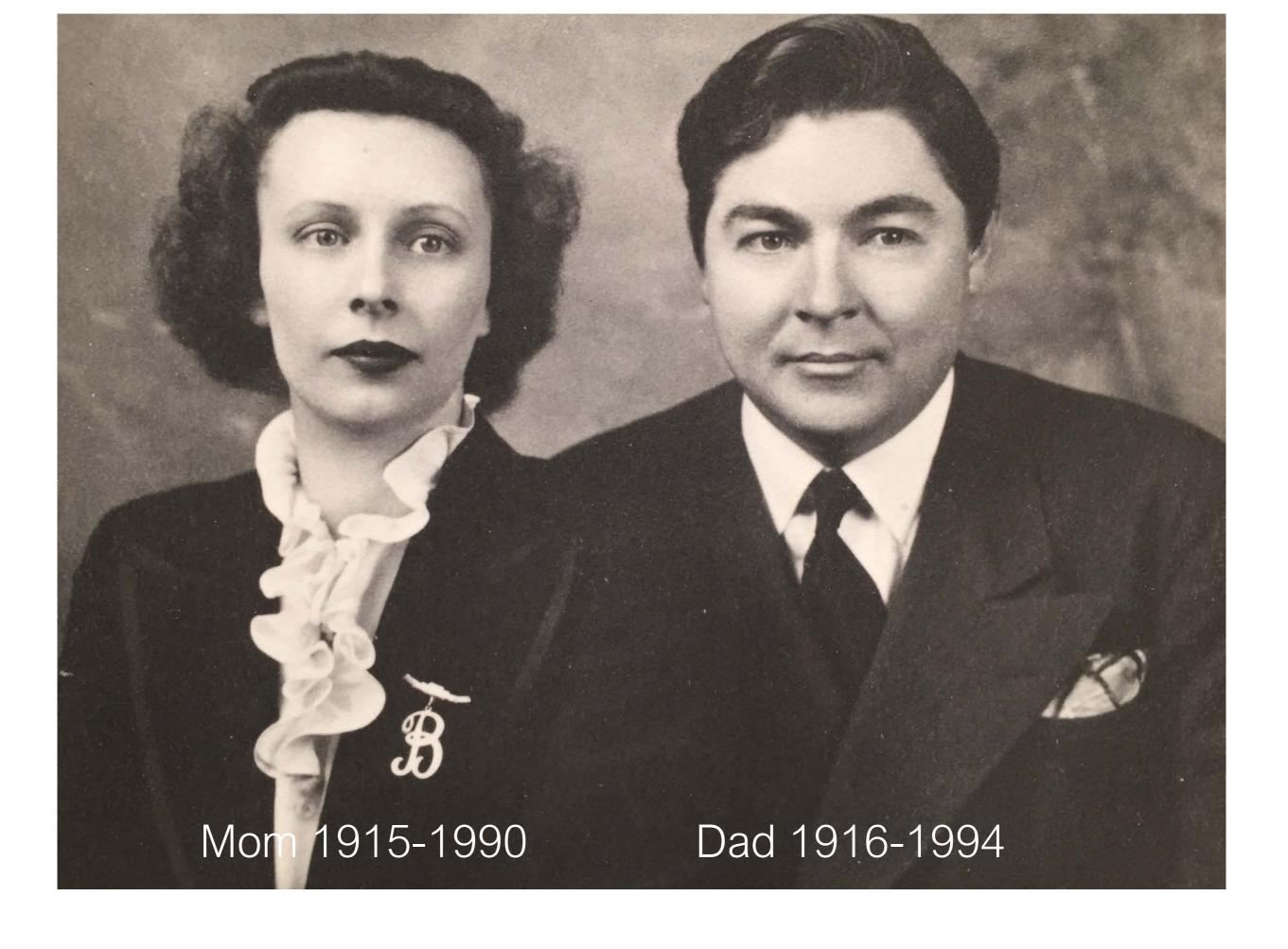


Hattie Bryant, author

4 Things Attorneys Don't Tell You about Advance Directives



I have no financial relationships to disclose.



While watching my mom die I learned:

- 1. Our health and our healthcare is our personal responsibility.
- 2. What I thought would happen did not happen.
- 3. Doctors do not make end-of-life decisions, you do.

In 2010 I turned 60.

I realized then that I had spent more of my life than I had left...I started thinking hard about my mom's death and I started asking questions:

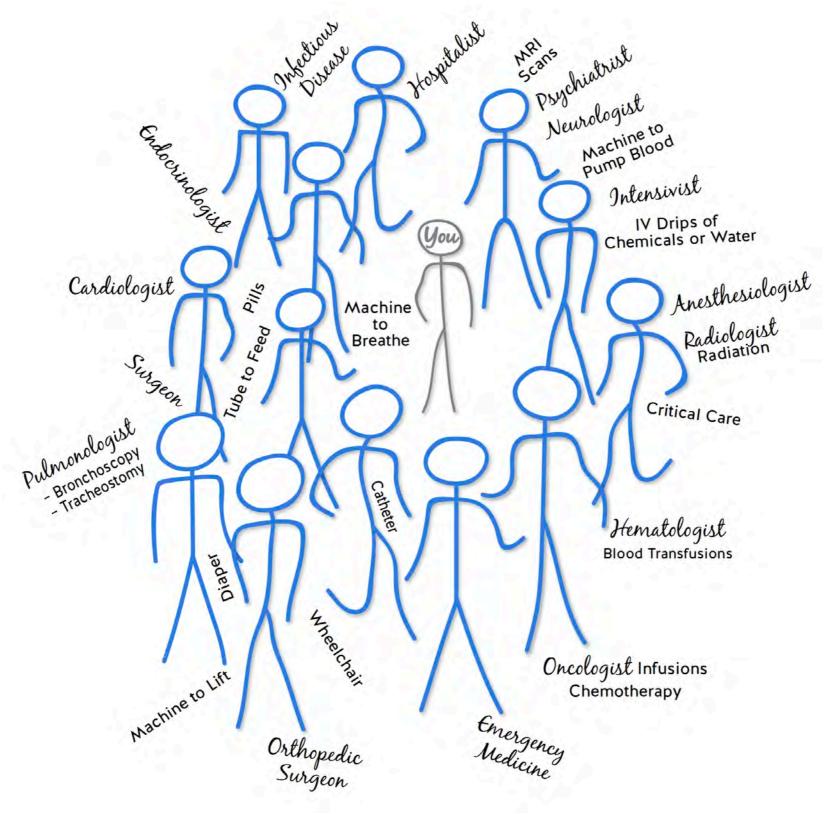
Who is going to do for me what I did for my mother?
Who will ask the hard questions?
Who will speak when I can no longer speak for myself?
What happened to the living will?
Why didn't anyone ever see it?
Why didn't my dad step up to the plate?
Why do doctors do what they do?

And most importantly...
What's the difference in total well-being and medical well-being?

Trying very hard to find the answer to my question: How do I get myself a peaceful death?



A sweet, peaceful death with not come out of the natural flow of our lives in this 21st century.



4 STEPS TO A PEACEFUL DEATH

- ACKNOWLEDGE THE INEVITABILITY OF DEATH
- 2 UNDERSTAND THE LIMITS OF MEDICINE
- 3 EDUCATE YOURSELF ABOUT YOUR HEALTHCARE CHOICES
- COMMUNICATE YOUR
 WISHES & CHOOSE A PROXY

These are the
4 things
attorneys
don't tell you about
healthcare directives.
Without understanding
of these 4 steps the
documents they
create are most often
useless.

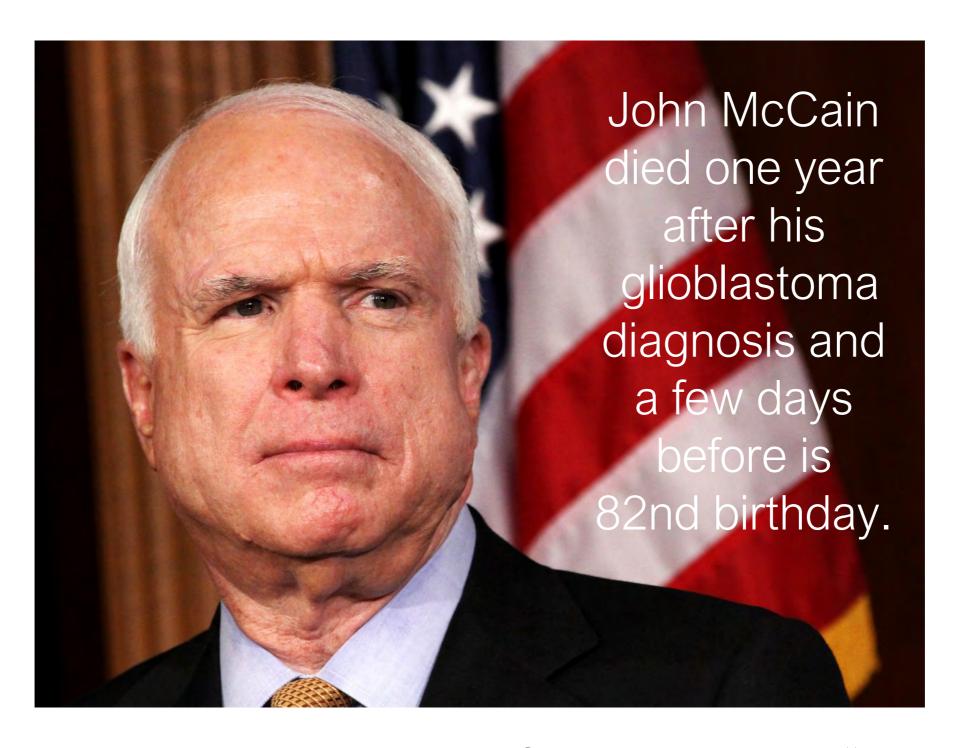
4 STEPS TO A PEACEFUL DEATH

- 1 ACKNOWLEDGE THE INEVITABILITY OF DEATH
 - 2 UNDERSTAND THE LIMITS OF MEDICINE
 - 3 EDUCATE YOURSELF ABOUT YOUR HEALTHCARE CHOICES
 - 4 COMMUNICATE YOUR WISHES & CHOOSE A PROXY

You say, "Tell me something I don't know."

When we engage an attorney to create an Advance Directive to this truth. The problem is when death is near most move into full

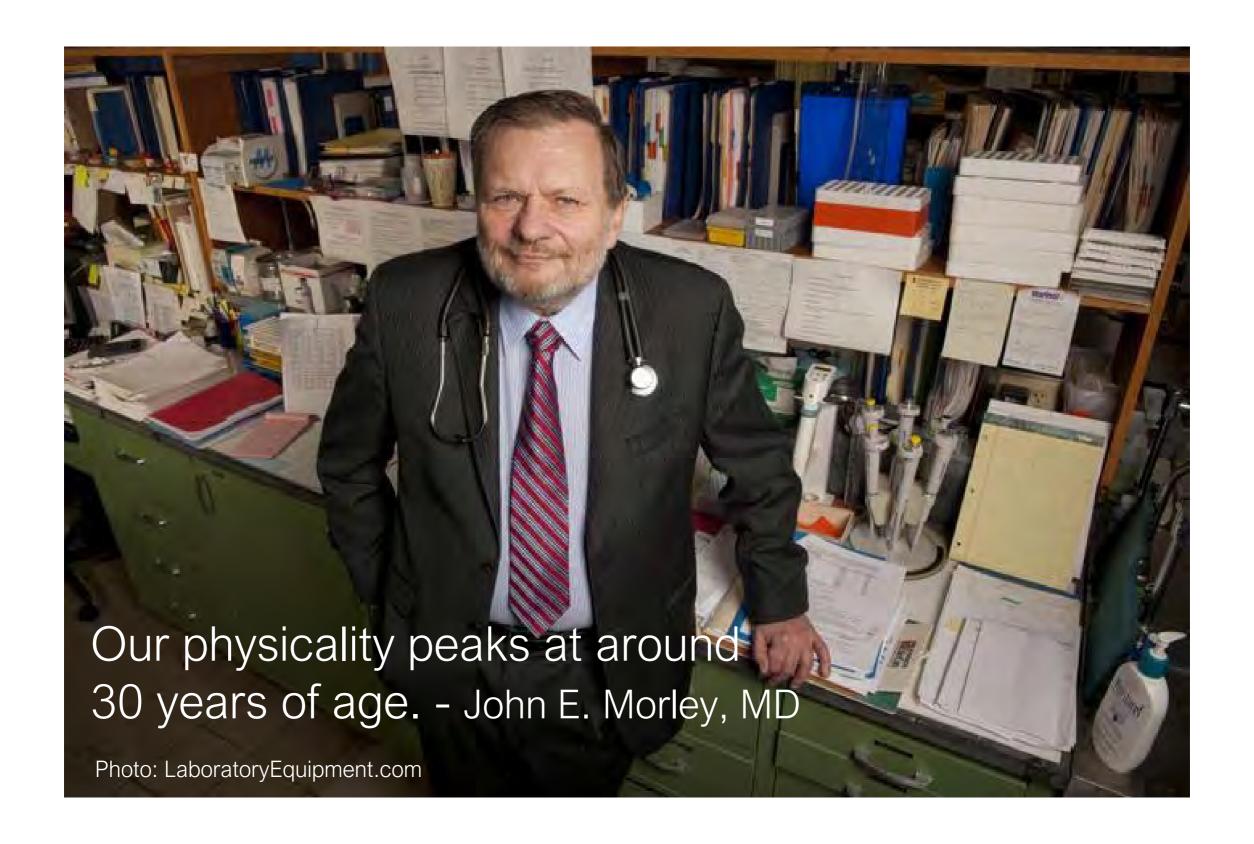
Two former presidents said, he will fight, he's a fighter. cians said more brave to forego aggressive care and to accept the f



The senator died three days after he stopped "treatment."



biological aging or the gradual deterioration of function



n, walking speed, heart and lung function decline 1/2 to 1% every y

We are stuck in adolescence. - Richard Rohr

adolescent inside and out

adolescent inside elder outside





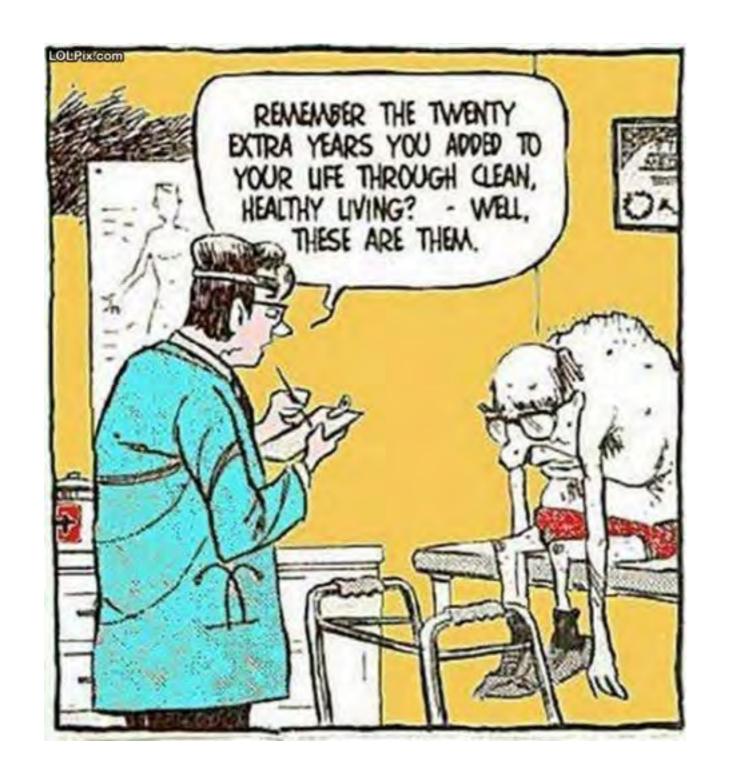
Can't stop physical aging but can refuse to grow up spiritually and emotionally.

100 years ago we died of infectious diseases and parasites.

Today many live long enough to have the luxury of dying of heart attacks or cancer.

Although modern medicine is now able to pull us through much of this so we can live long enough to lose our minds.





s CPR, plus, plus, plus, plus, plus, plus, plus all that the \$3.5 trillion

Step 1 is acceptance of the plain truth that death will happen to us and to all of our loved ones.

Your attorney doesn't tell you that you live in denial.



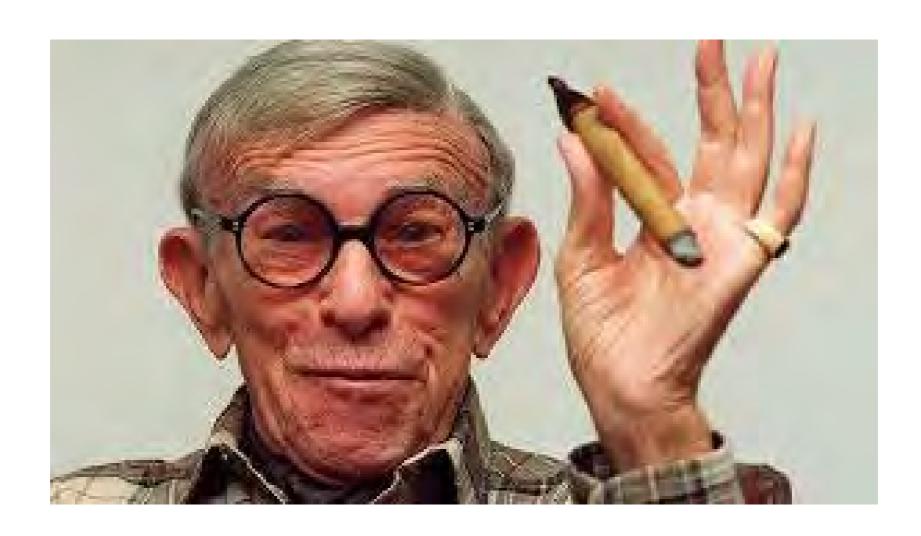
Workbook Pages 186-191

4 STEPS TO A PEACEFUL DEATH 1 ACKNOWLEDGE THE INEVITABILITY OF DEATH

 OF MEDICINE
 3 EDUCATE YOURSELF ABOUT YOUR HEALTHCARE CHOICES
 4 COMMUNICATE YOUR WISHES
 & CHOOSE A PROXY

UNDERSTAND THE LIMITS

Attorneys are not around when you become seriously ill or frail. Words they use are not specific enough to provide clear direction to family, friends and physicians.





Osteoporosis in Women then 8,010,000 now 14,791,000

Diabetes then 11,697,000 now 13,378,000

High Blood Pressure then 38,690,000 now 52,180,000

High Cholesterol then 49,480,000 now 92,127,000

by changing the targets more of us are told we are sick and we need medicine

"An estimated one in four physician appointments is taken by a healthy person—aka the worried well."

Big Pharma spends \$5.6 billion and we spend \$450 billion buying what they tell us to buy. Ne healthcare which heightens our awareness and the advertising is so compelling we are buying every pill, patch, treatment and promise the product makers of modern medicine can dream up.

Dreaming started with Henry Gadsen.







http://www.cnn.com/2013/12/13/opinion/carroll-exercise-vs-meds/ CNN

Result: The medicalization of American life is killing our souls.

Writing in opposition to assisted suicide.

"Prolonged suffering before death emerged as a public health crisis in the mid-20th century.

This first-world scourge, so persistent that few dare to imagine it can be eradicated, is a direct result of modern medicine's original sin:

believing that we can vanquish death.

Given doctors' success at saving lives threatened by severe injuries and infections, they presumed they could overmaster death.

Yet despite the prowess of 21st-century medicine, my colleagues and I have yet to make a single person immortal. Instead, we have condemned countless incurably ill patients to needless anguish." - Ira Byock, MD January 31, 2018



Step 2 is to recognize that medicine could be ineffective and could worsen, rather than help, and in the end is always too small when up against the force of nature.

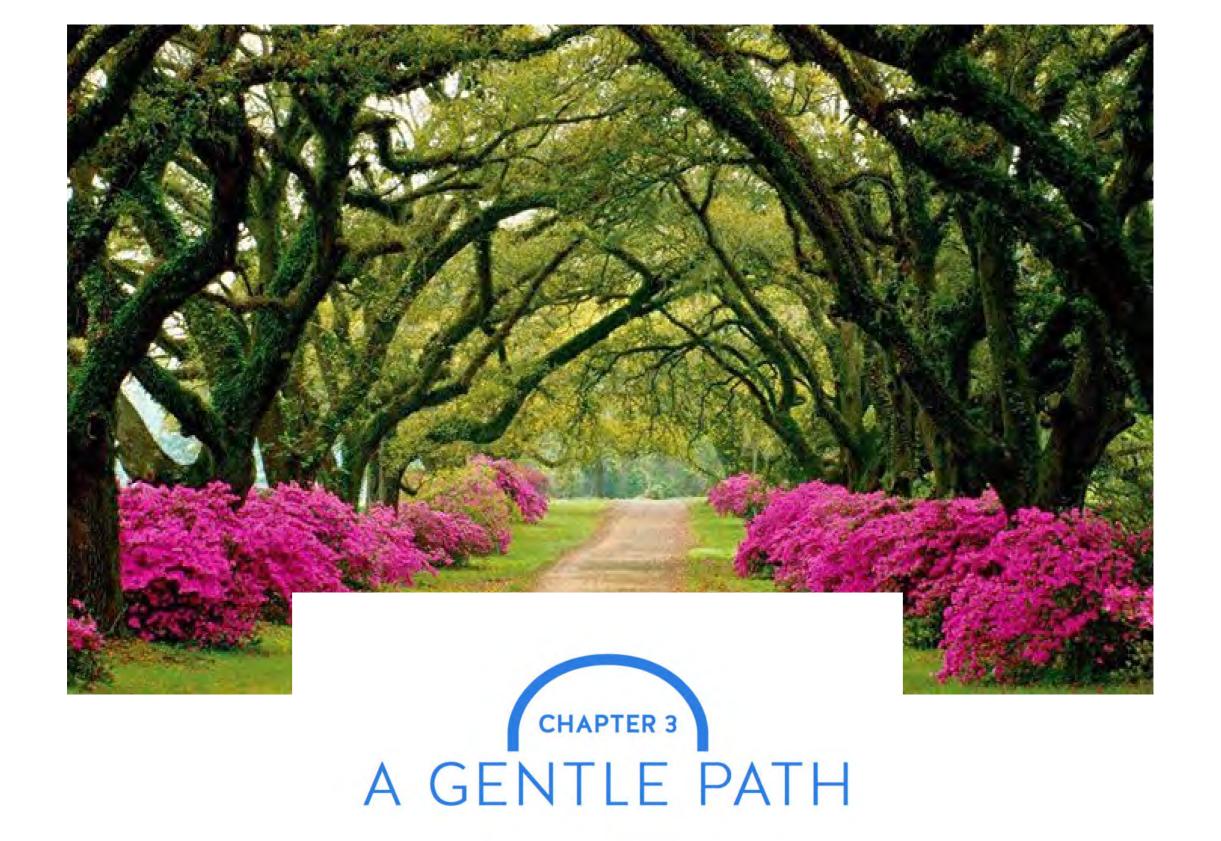
Attorneys are not around when you become seriously ill or frail. Words they use are not specific enough to provide clear direction to family, friends and physicians.



4 STEPS TO A PEACEFUL DEATH

- 1 ACKNOWLEDGE THE INEVITABILITY OF DEATH
- 2 UNDERSTAND THE LIMITS OF MEDICINE
- 3 EDUCATE YOURSELF ABOUT YOUR HEALTHCARE CHOICES
 - 4 COMMUNICATE YOUR WISHES & CHOOSE A PROXY

Most attorneys are just like the general public. They don't know about the choices we can and must make for ourselves.



n't allow ourselves to choose it or others won't allow us to make thi



First 911 call made February 16, 1968.

n end-of-life care from a process managed by a family doctor to a had multi-doctor, multi-machine impersonal series of event that le and voiceless and makes it nearly impossible to die. This almost



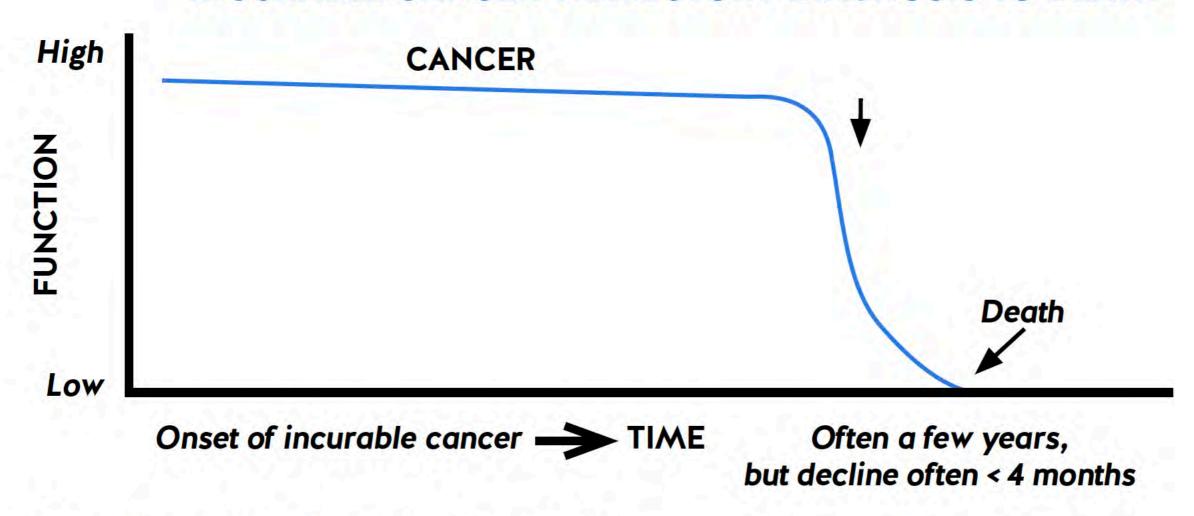
photo: Los Angeles Times April 28, 2015

Dr. Ken Murray

Dr. Murray's physician friend knew what medicine can and can't do.

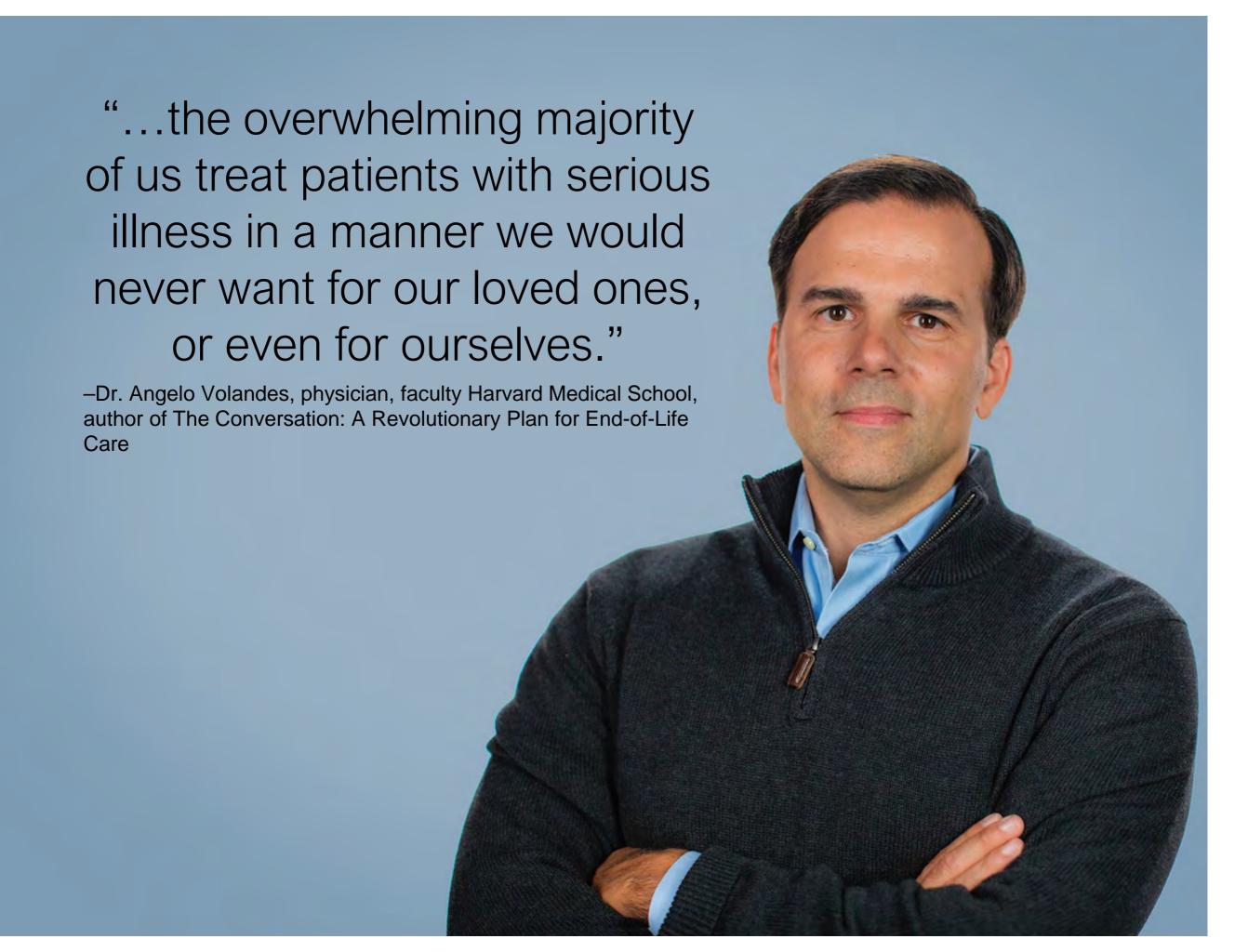
My dad knew too. He said, "Save the healthcare for the grandchildren!" Mother-in-law also opted out.

INCURABLE CANCER TRAJECTORY DIAGNOSIS TO DEATH

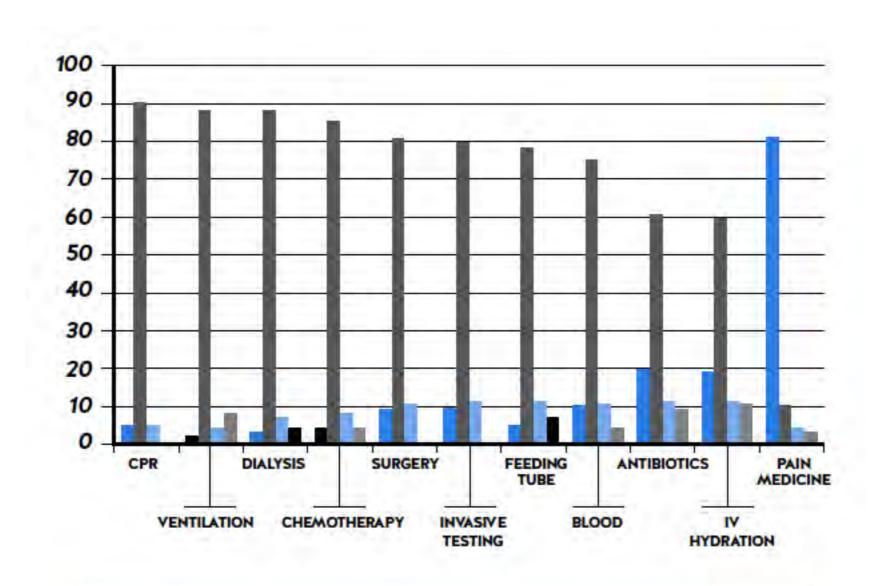


Generally predictable course, short decline Relatively well resourced hospice care fits well

Can stop fighting by demanding better care.



o recognize people or speak, but you do not have a terminal illness



■YES, I WOULD WANT ■ NO, I WOULD NOT WANT
■ UNDECIDED ■ TRIAL, BUT STOP IF NO CLEAR IMPROVEMENT



Doctors rarely tell us about the gentle path even though they get of

They Say: Treatment

You think: Cure.

They think: process—procedure—protocol—usual intervention.

They say: Perhaps You think: Of course.

They think: maybe but more likely not.

They say: Your cancer has responded to the chemotherapy

You think: I am going to be cured.

They think: There has been some effect on the tumor.

They say: We can try You think: It will work.

They think: It is technically possible to do this but there is

no suggestion of success.

They say: We can enroll you in a study.

You Think: Great. I'm going to get cutting-edge treatment.

They Think: You fit the criteria we are seeking for the research.

You want to participate in order to add to medical knowledge.

When you hear a difficult diagnosis, ask:

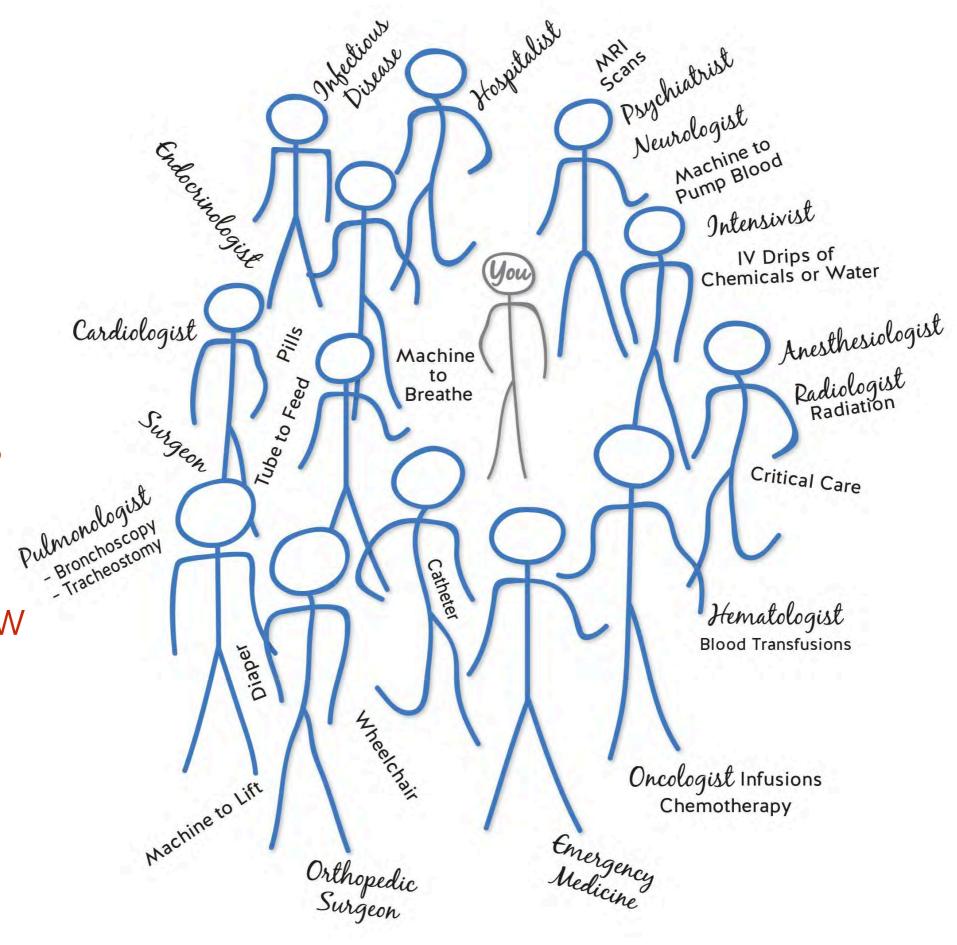
Will you be surprised if I am alive one year from now?

Two years from now?

Should I sell my furniture next month or next year?

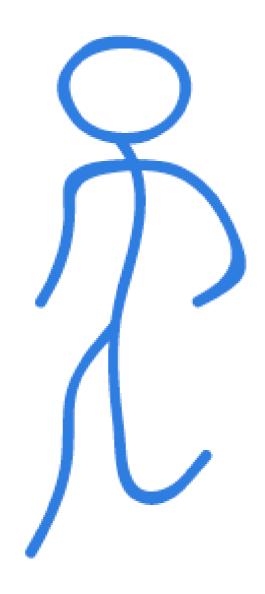
(See pages 81-86 for sample good conversation.)

We have to take the lead to manage our own care. The hospitalist is in charge of you and doesn't know you.



Specialists don't specialize in the whole you.

Primary care doctors and geriatricians do.



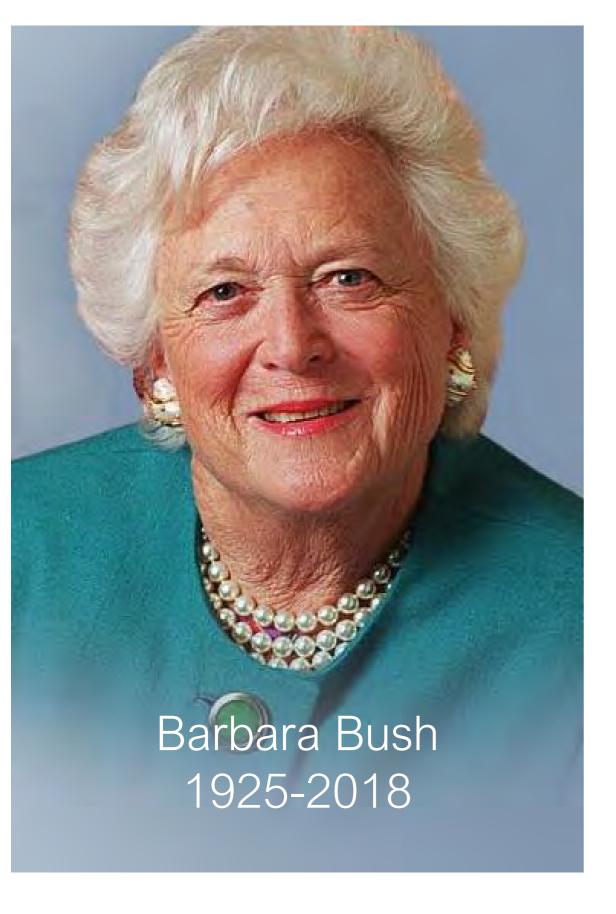
Another way to think about it is: palliative care=comfort care

Palliative care is delivered by a team that typically includes a physician, a nurse, a social worker and a chaplain.

Palliative care is for anyone with any serious illness at any stage of the illness.

This team works on mind, body and soul pain and discomfort.

palliative care = supportive care, comfort care, compassionate care



"Mrs. Bush will not seek further medical care.

After several recent hospitalizations she has decided to focus on comfort care."

Medicine= ONLY Curative Care WRONG!

Curative care is part of medicine. Comfort care is part of medicine.

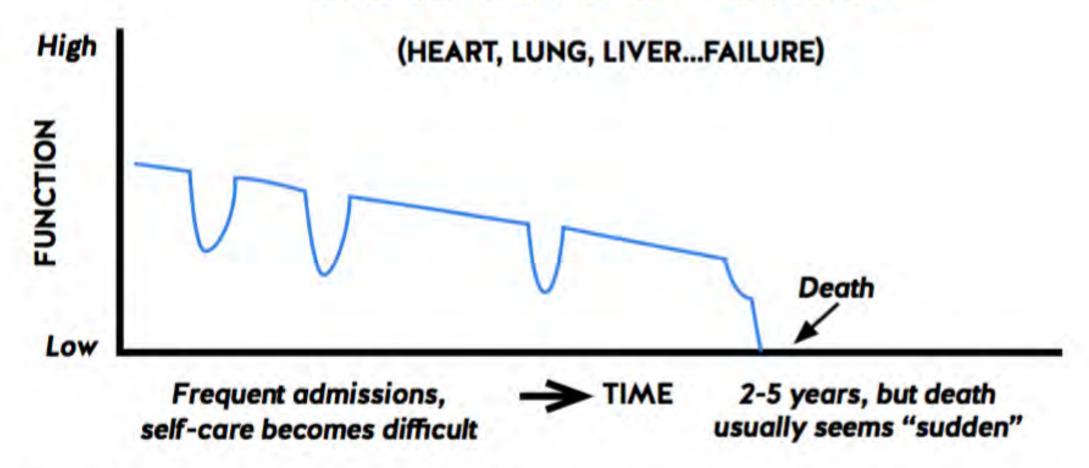
Hint: When you are ready to leave us, make sure your *DNH is front and center.

*page 142 in the glossary

Hospitals are only good for 1/6 of the whole you.



ORGAN SYSTEM FAILURE TRAJECTORY



Needs: acute care for exacerbations, chronic care, support at home*
No service designed to routinely meet the needs of this pattern of decline

Step 3 is learning that we have choices. When our condition is worsening and death is near, consider the burden vs. benefit of treatments. We are not required to passively turn over the last months or years of our life to a system that insists upon surgery, stents, chemotherapy, blood transfusions, bags and lines which accompany these interventions.



Workbook pages 197-201

4 STEPS TO A PEACEFUL DEATH

- 1 ACKNOWLEDGE THE INEVITABILITY OF DEATH
- 2 UNDERSTAND THE LIMITS OF MEDICINE
- 3 EDUCATE YOURSELF ABOUT YOUR HEALTHCARE CHOICES
- COMMUNICATE YOUR
 WISHES & CHOOSE A PROXY

Attorneys use templates, do not advise us to share our choices and typically suggest a spouse or a child should be the proxy. Often make the ne spouse be named the durable power of attorney and the durable power of attorneys read and write Greek.

Congress made it illegal for your physician to make treatment choices for you.

The Patient Self-Determination Act (PSDA) was passed into law on November 5, 1990.

Advance Directive

Part 1: Living Will

Part 2: Durable Power

of Attorney for Healthcare or proxy, surrogate, agent, healthcare decision maker.

This is the most important of the two parts.

Here we see Dr. William Silvester in his hospital ICU. He says:

"About 85%die after chronic illness and up to 1/2 cannot make decisions when close to death."



75% of us have not named a proxy for healthcare decisions and most named proxies are not able to do their job.

Oops: Can't even pay doctors to engage. In 2016, CMS allowed physicians to bill for advance care planning. But only 575,000 patients of the nearly 57 million eligible patients had a billed conversation in the first year of the law.

"Everybody knows I don't want to be kept alive with machines."



This reveals an epidemic of over treatment.

The legacy players are happy with the \$3.5 trillion medical industrial complex

Healthcare Systems

Pharmaceuticals

Physician Groups

Insurance Companies

It's not dying that causes suffering it's our resistance to it that robs us of a sweet, graceful leaving. It's our resistance coupled with modern medicine's alluring capabilities. While the money is being spent, we could be spending our time holding a grandchild, fishing, sitting on a beach or on top of a mountain or you fill in the blank.

This is why I have DNH.



Ariel Sharon suffered a severe stroke on January 4, 2006



Photo: The Times of Israel

Son did not allow doctors to do what they thought best.

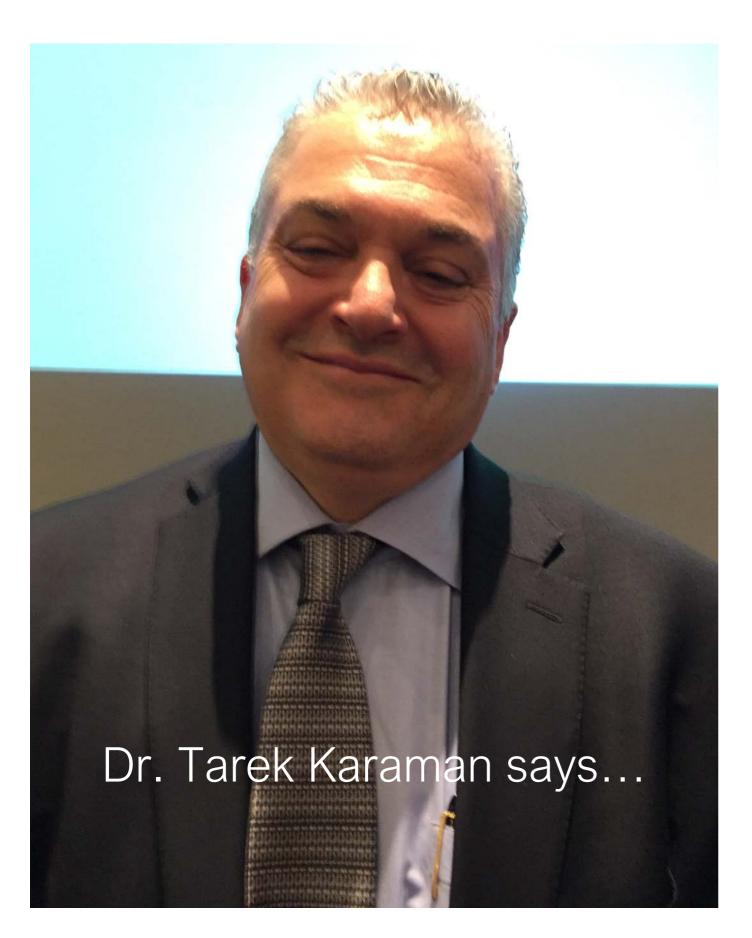
Advanced medicine kept Ariel Sharon alive for eight years on a mattress grave.

He had a feeding tube and was treated for pressure sores, blood clots and pneumonia which are a constant threat to comatose patients.

Dr. Michael Mitchell works with as many as 100 dying patients at any

one time. He says, "When someone is dying there is no such thing as a functional family."

(Lecture at the USC Graduate School of Gerontology September 25, 2014)



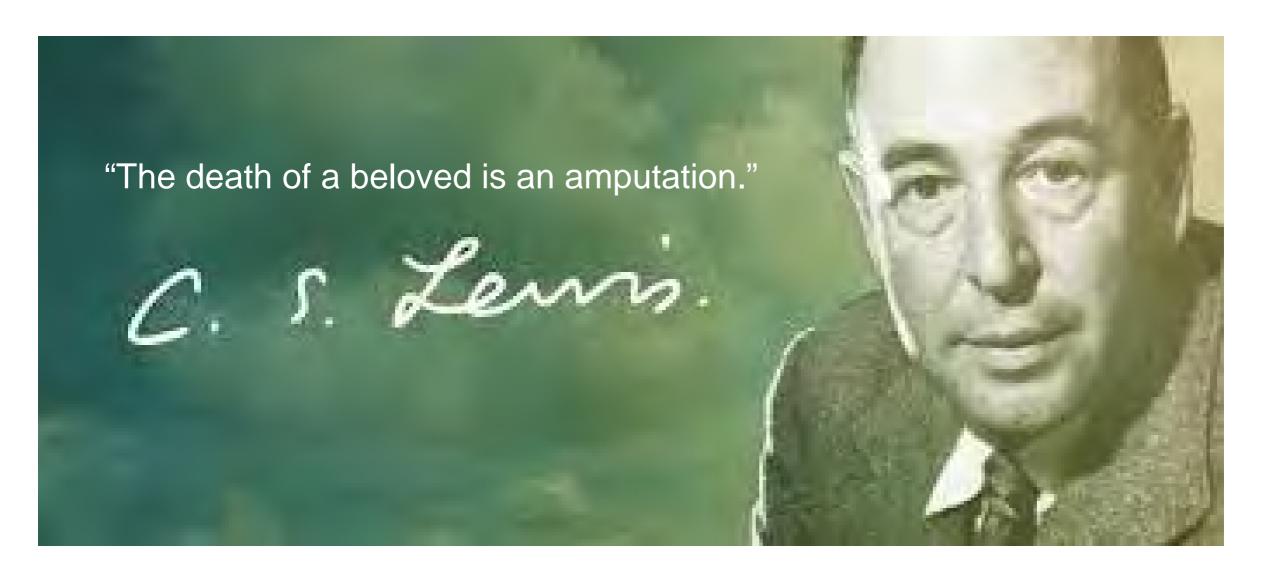


"Don't choose a granddaughter."

Since my dad was the named proxy and was not able to do his job, I took over. But what if my brother and sister had fought with me?

Just like Ariel Sharon, my mom would have been sent to a nursing home with a feeding tube.

Proxies often fail the patient.
Without clear instructions from the patient, family members can be paralyzed.



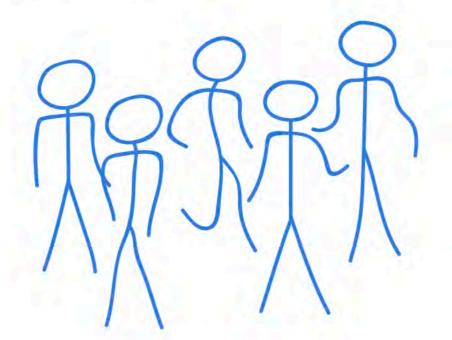
from A Grief Observed

s to choose a proxy and make it easy for that pe your circle of friends, family, clinicians, neighbors

nt to tell you proxy. Your current document is property to the property of the second proxy.

Check the statement that fits you best:

- It's OK with me if keeping me alive requires unlimited resources paid for by insurance (private/Medicaid/Medicare), my own savings/the savings of family, and makes heavy demands on the time and emotions of family and friends.
- It's OK with me if keeping me alive requires unlimited resources paid for by insurance (private/Medicaid/Medicare) and my own savings. However, I do not want my care to be a financial or emotional burden on my family. So, when my money runs out, let me go naturally. I realize that this choice means I might have nothing left to leave to my children and grandchildren.
- ☐ It's OK to keep me alive so long as it's paid for by insurance (private/Medicaid/Medicare). So, when my benefits run out, let me go naturally. That way I can leave any assets to my family.
- I am beginning to understand that keeping me alive at all costs (money and the efforts required of so many others) is not what I want for my life. I want to leave gently with people sorry to see me go rather than hoping I will go.



Yes, you should talk about money.

Workbook page 206

Please imagine that you have been given a difficult diagnosis.

Workbook page 207

Please circle one:

Quantity (number of days)

Quality
(the stuff of your day)



"I want to die like my father died. He was not big on medicine. He died at home surrounded by family." -Dr. Joseph Gallo

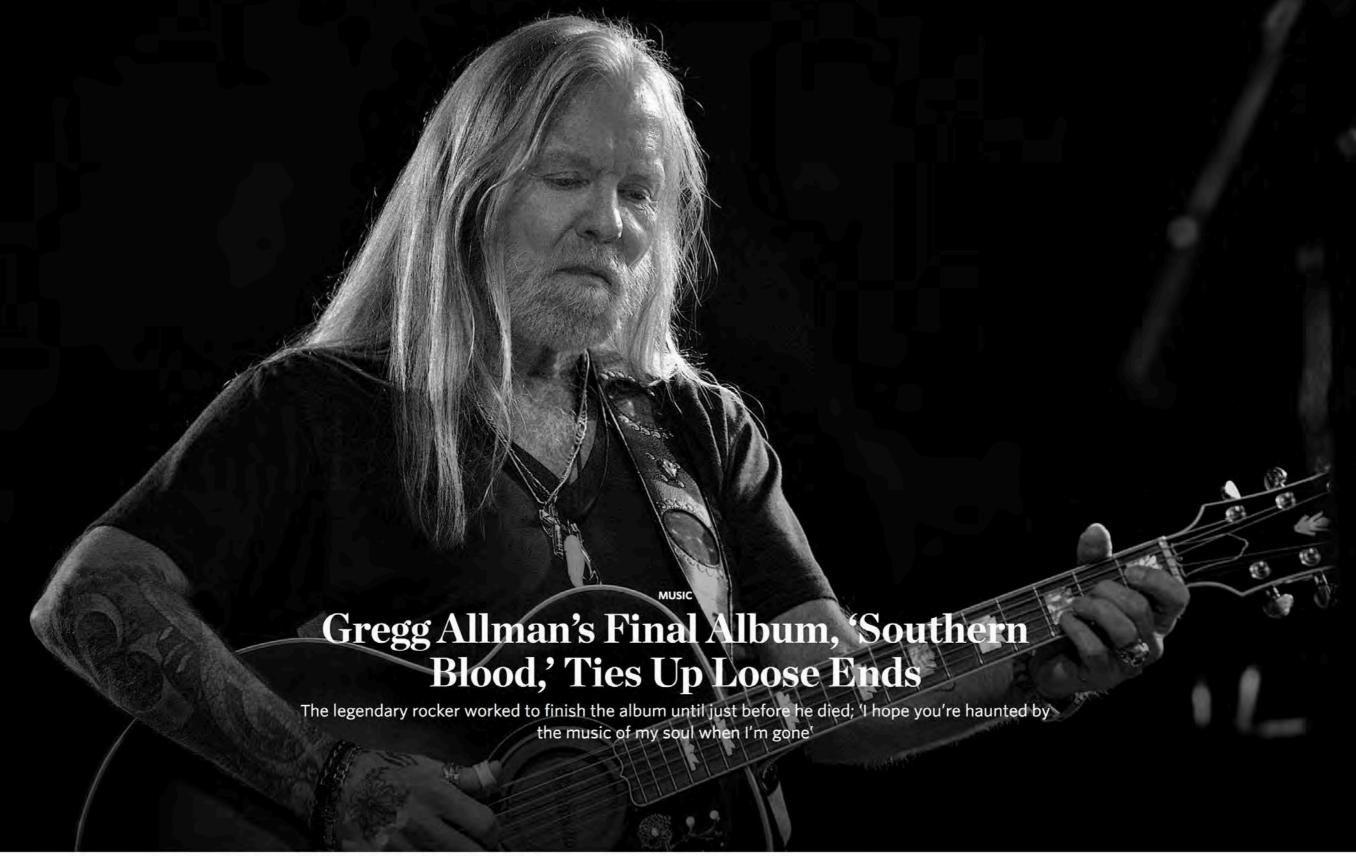
ely as us to have a directive that works. They are more simple and d

Move me from curative care to comfort care when...

- when I can't wipe my backside
- when I can't carry on a conversation with people I know
- when I can't chew, enjoy the taste of food and swallow
- if I have burns over more than 25% of my body

Please imagine that you have been given a Workbook page 208 difficult diagnosis.

	In	order to live the life you desire, it is important for you to retain ability to: (INITIAL ALL THAT APPLY TO YOU)
		Share your thoughts through words, gestures, or assistive devices
		Understand what people are saying to you.
135-137 ny essay		Know that you are hungry. You are able to eat and swallow if someone feeds you.
		Chew and swallow food. Losing this ability results in the need of a feeding tube.
		Take care of your own toileting needs.
		Take a bath or shower with or without assistance.
		Interact in social settings



Look at the bottom of page 208 in book...

If Gregg Allman was with us today he would write on those blank lines,

"I want to be able to sing and play my guitar until I die."

What will you write?

you are to be provided care that will keep you comfortable and pa	
free until you die.	
In order to live the life you desire, it is important for you to retain the ability to: (INITIAL ALL THAT APPLY TO YOU)	
Share your thoughts through words, gestures, or assistive device	s.
Understand what people are saying to you.	
Know that you are hungry. You are able to eat and swallow if someone feeds you.	
Chew and swallow food. Losing this ability results in the need of a feeding tube.	
☐ Take care of your own toileting needs.	
Take a bath or shower with or without assistance.	
☐ Interact in social settings.	
*Used with permission of Dr. Carolyn McClanahan, Life Planning Partners.	
List other functions that are important to you:	
	Ī
	-

Think about people you know who...

Workbook page 210

Don't choose : the same person: to handle your assets.

- Would be willing to speak for you.
- Can separate their personal desires for you from your desires for yourself.
- Would take some time soon to review with you what you are writing in this document.
- Lives close to you or can travel to you quickly or work via phone, email and text with a physician.
- · Is young enough and healthy enough to be around in the future.
- · Is someone you trust with your life.
- · Can calmly manage any conflicts.
- · Can stand up to family members who may not agree with you.
- Can negotiate with physicians to achieve your stated goals and be willing to fire a physician who doesn't listen.
- Can listen to facts presented and make a rational decision.

Write your list of possibilities... (minister, adult children of your friends, nieces, nephews, neighbors, one of your own children—the one who is feisty, outspoken, strong, persistent and maybe even considered obnoxious—a godchild, a cousin, a sibling—much younger one—the spouse of a niece, nephew or your own spouse—if much younger but probably not a good choice)



Falyn is my 'Hattie' She is strong, smart, logical, calm, 34 years my junior, family by marriage, lives close by, has read my workbook answers, can stand up to other family members and physicians, and can be trusted to do for me what I want for me not what others might want for me

Please avoid choosing your spouse or your children.

A psychologist chose her nephew's wife.

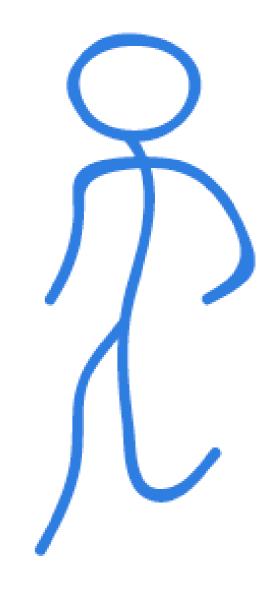
A banker chose her hairdresser.

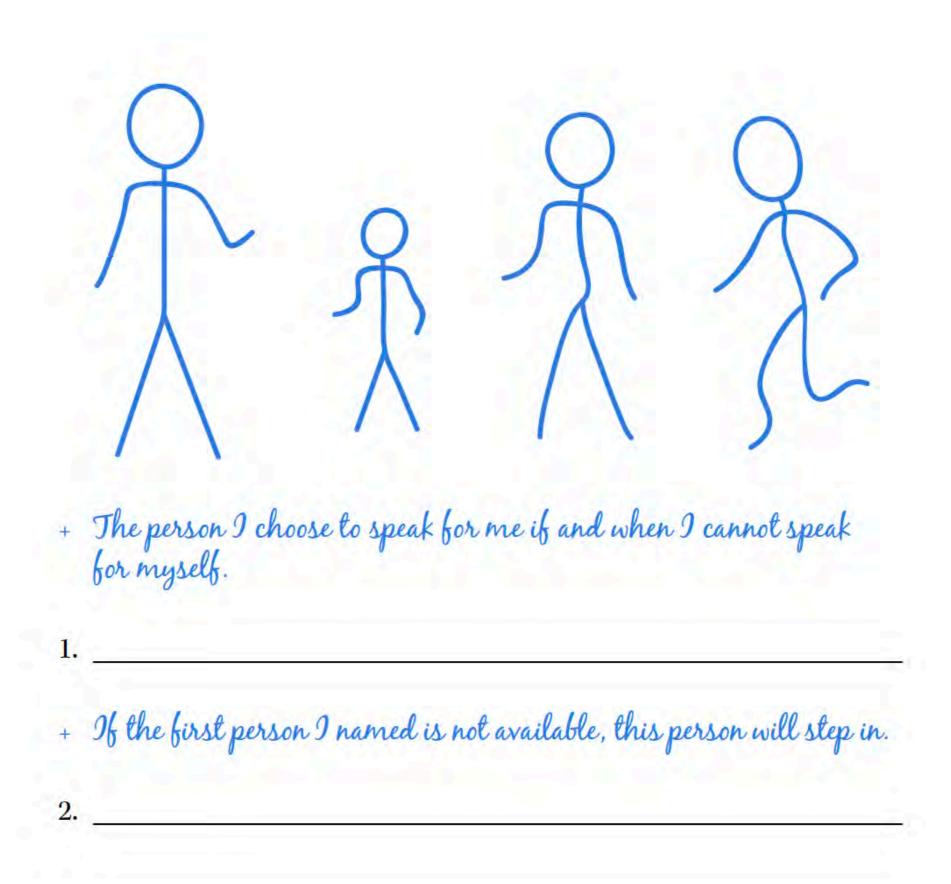
A powerful business owner chose her housekeeper.

A physician chose a cousin who is twenty years her junior.

My close friend chose the wife of a former boss.

All of these women have husbands and children who are and who are educated and productive. But all of these women have learned here that the complex emotions around end-of-life will make it extremely difficult or impossible for their close loved ones to make thoughtful choices.





Workbook page 211 create the legal document on page 213-214

Five times to Review or Update Instructions.

- Decline in health
- Diagnosis
- Divorce
- Death of loved one
- Every Decade

Step 4 — the last step— to freedom and peace is provide specific instructions to loved ones and chose one person who will speak of you when you are no longer able to speak for yourself.

Only 7 out of 100 have told their physician how they want the last few years, months, weeks and days of their lives to unfold.



Pages 202–215

Create the greatest gift you can ever give to family, friends, physicians, neighbors and clergy.



Don't need to spend money on an attorney. Need to spend some time. Put some details in writing. Give copies to family, friends, physicians, neighbors and clergy. Talk, talk and keep talking. TELL EVERYONE!

Make a video.

4 STEPS TO A PEACEFUL DEATH

- ACKNOWLEDGE THE INEVITABILITY OF DEATH
- 2 UNDERSTAND THE LIMITS OF MEDICINE
- 3 EDUCATE YOURSELF ABOUT YOUR HEALTHCARE CHOICES
- COMMUNICATE YOUR
 WISHES & CHOOSE A PROXY



It's an inside job little to do with doctors or medicine

ALERT: We will die as we have lived.

fear, anger, bitterness, regret, remorse, pride, self-importance, entitlement can cause your soul to rage as your body decays resulting in a tormented death that can not be calmed or comforted by medicine

now is the time to rid ourselves of those red words to make room for...

love, joy, peace, patience, gentleness, goodness, kindness, faithfulness, and self control this is the gentle path to peace for today and for every single day that we draw breath



Jackie Collins (1937-2015) embraced her short future.

Photo: <u>JackieCollins.com</u>

love or fear peace or anger

When we're ready to die we're really ready to live! No need to worry as we don't know when it will happen.

Want to join me and dance all the way out?





