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Promises to Keep

Power of Attorney is a promise that your wishes will be respected and your partner will have a say.

But that's not always enough. A cautionary tale.

BY CYNTHIA POTTS

Nobody wants to think about end-of-life issues, but we all have to do it eventually. With New Year's Eve around the corner, many families resolve to get their household papers in order.

You may already have everything covered, with power of attorney [POA] forms and health proxies on file for you and your partner. But when push comes to shove, how much do these papers really count?

In New York, not much, according to Terry Checksfield. She'd been with her partner, Barbara Blake, for 27 years. "She was my wife. I talked to her about everything, she talked to me about everything." But when Barbara suffered a devastating stroke, she wasn't talking to anyone – and the medical and legal authorities weren't talking to Terry.

"On May 23rd, Barb was with Brenda, her niece. They were going to a party. That's when Barb had her stroke." There's still anger in Terry's voice, more than a year later.

"She had two cell phones, they passed two fire stations, and instead Brenda took her to her cousin's house. Got her out of the car, up the stairs, and only then called the ambulance."

Barb was brought to University Hospital in Syracuse. "That's when the trouble really started," Terry explained. "I'd shown up with a bag of medicine – Barb suffered from diabetes and back problems." Consent forms for Barb's care had been signed by Barb's family mem-

bers, rather than by Terry. "At that point, my job was to get the best care for Barbara. I wasn't thinking about who signed what when."

In New York, consent for care



Terry Checksfield and Barbara Blake at a happy moment in their lives.

forms need to be signed by a spouse, relative, or legal designee. Barb had in fact signed a power of attorney and health care proxy form earlier that year, designating Terry to make decisions for her.

Despite these existing documents, Terry alleges that Barb's

"The family services worker did apologize to me after," Terry said. "She didn't know I existed. How would she know? The family certainly wasn't going to tell her."

After the University Hospital received copies of the power of attorney and health care proxy,

that procedure dictated honoring the appropriate legal paperwork.

"That meant that everything Rhonda [Barb's daughter] had signed was no good anymore," Terry said. "But these are her kids, I wanted them to be involved." The paperwork in question included a do-not-recessitate order, literally a life-or-death decision.

"That's when things got even worse," Terry said. "They accused me of forging the [power of attorney and health-care proxy] papers, of manufacturing the signature."

When asked about the circumstances surrounding Barb's death, Rhonda Blake replied, "I'm surprised Terry wants to talk about this story. It doesn't paint her in a very good light." She paused. "I'm not sure how much I can really say, as there is some litigation going on." Rhonda Blake said that she'd be willing to talk more about the story after consulting with her family members, but subsequent calls to the Blake home went unanswered. Messages left with other family members elicited no response.

According to Terry, Barb's family members continued to sign consent forms for Barb's treatment. One of these consents allowed a biopsy of a mass in Barb's left lung. On top of everything else, she had cancer.

As Barb's condition deteriorated, plans needed to be made for her care. Even though Terry had the power of attorney and health care proxy in place, a decision was made by hospital staff to include all of Barb's family members in the discharge planning.

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Barbara J. Blake

July 31, 2004

Barbara J. Blake, 57, of Phoenix, NY, died Saturday.

Survivors: her children, Ronald II, Robert and Rhonda; her siblings and five grandchildren.

Services private.

Contributions in Barbara's memory may be made to the American Cancer Society. **Traub Funeral Home Central Square**

Terry is not mentioned in Barb's obituary. Custody of Barb's body went to her blood relations, who buried her on private property. Terry is not allowed to visit Barb's grave.

family took over the decision-making process. She cites an after-care planning meeting with the hospital's family services division that went on without her knowledge or consent.

they had Terry sign a new set of paperwork and turned to her for treatment decisions. A representative from the hospital would not discuss this case, citing confidentiality issues, but did say

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p. 2. Get your OraQuick AIDS test results at VT CARES in 20 minutes, if you've got \$40 for the peace of mind.

▼ World AIDS Day

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▼ Twas the Night Before

p.12. A fun poem for the holidays: dykes, dreams, a quest, Champ, gay guys, romance, hot chocolate, an attempt to rhyme banal with flannel, what more could you want?

▼ Shock Troops of Cool

p.20. Clark Sheldon reveals Jennifer Blowdryer's secrets of the trendy (aka "punk"), ponders the meaning of "avant garde," and covets your discarded drag.

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