

# Legal Briefs: Living Wills

by Beth Robinson and Susan Murray

While our legislators grapple with the thorny question of whether terminally ill people ought to have access to medical assistance in terminating their lives (see page 9), one thing is clear: by signing a terminal care document (sometimes known as a "Living Will"), each of us can make certain basic decisions about what type of medical treatment we will or will not receive at the close of our lives, even if we become incapable of making our own medical decisions.

Under Vermont law, any person of sound mind who is 18 or older may sign a terminal care document. In that document, you may request that if a situation arises in which you are in a terminal state and there is no reasonable expectation of your recovery, you be allowed to die a natural death, and that your life not be prolonged by extraordinary measures. ("Extraordinary measures" means a medical intervention to restore a vital function which artificially postpones the moment of death when, in the judgment of the doctor, the patient is in a terminal state.) Some people specify that they do not want artificial nutrition or hydration to prolong their lives if they are in a terminal state, while others prefer to request artificial nutrition and hydration if needed. Of course, you are also free to request that your life be sustained by any reasonable medical measures, regardless of your condition.

In addition to instructions concerning "extraordinary measures," you may want to provide your medical care providers other instructions in your living will. For example, you may request medication to alleviate your suffering if you become ter-

minal and are unable to make your own decisions, even if that medication shortens your remaining life. You may also want to specify that you wish to receive hospice care, foregoing curative treatment and life-sustaining procedures that might otherwise be performed. If you have ethical or religious dietary restrictions, you may want to include them in your living will. The living will is also a good place to indicate your desire to be an organ donor, or to donate your body for medical research or education, if you so desire, and to express your wishes about what should happen with your body upon your death.

You should be sure that your living will is in the form set forth by statute, and you will need to sign it in front of two or more witnesses who are **not** family members, heirs, or medical care providers. If a situation ever arises when you are unable to actively participate in your medical decisions, and you are in a terminal state with no hope of recovery, your physician will be obligated to follow your instructions as closely as possible. The law protects the doctors, nurses, and other health professionals from civil or criminal liability for following your instructions.


You should also include instructions about your care in the event that you become terminal in a durable power of attorney for health care, if you have one. Many people in our community sign durable powers of attorney for health care, authorizing a partner

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