

# Personal Finance

## LESSON OF SCHIAVO CASE:

Consider the sad case of Terri Schiavo, the Pinellas County woman whose parents and husband are bitterly fighting over whether to remove the feeding tube keeping her alive. Schiavo was only 26 when, 13 years ago, her heart stopped for unknown reasons. By the time she was revived, she was so severely brain damaged that she could no longer feed herself, talk or even turn herself over in bed.

Her husband, Michael Schiavo, insists Terri once told him she would never want to live this way and wants to discontinue forced nutrition, which probably would end her life. Her parents, Mary and Bob Schindler, insist their daughter still responds to their touch and voice, and would want to live.

Terri Schiavo, however, left no written instructions and now can't speak for herself. So her true wishes will remain the best guess of the people who love her. Because those people can't agree, a judge who never met Terri may end up deciding her fate as her family battles it out through the courts.

The only upside to this tragedy is that Schiavo is doing more than any public service campaign ever could to promote the need for advanced medical directives such as living wills and medical power-of-attorney designations.

"If there is a silver lining to all this, it's that more people now are filling out these documents and having these conversations with their families," said Karen O. Kaplan, the chief executive officer for Partnership for Caring, a nonprofit promoting quality end-of-life care and education. Since the Schiavo case hit national media last month, the New York City-based Partnership has received triple the number of calls.

Putting off medical care planning can be expensive, which is why we are talking about this in Mature Money. According to a story in the *St. Petersburg Times*, at least half of the \$700,000 malpractice settlement earmarked for Terri Schiavo's care already was gone when it was published in 2001, most of it to legal fees.

Here are a few points you may not have considered.

- Update your documents: This may be obvious, but just to restate: You need to prepare two, not one, documents to ensure your health-care wishes will be followed.

The first is a health-care surrogate form, or medical power of attorney, which names the person you would want to act in your behalf if you no



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longer were capable of making your own medical decision!. The second is a living will, which will state what kind of life-prolonging measures you would accept or decline. Basic forms for both are included in Florida Statute 765.303.

Even if you have a living will, you may want to update it, as medical technologies that prolong life are changing rapidly. "Would you not want a feeding tube, but you would want hydration?" said Laura Walsh, a financial planner who owns **Life Span Strategies** in Weston and helps clients with end-of-life planning.

Also, review your documents any time there is a major change in your family such as a second marriage or a divorce among adult children, and revise them if necessary.

By the way: A living will won't stop the paramedics from trying to revive you if your loved ones call them during a medical emergency. Only a Do Not Resuscitate order, or DNRO, can do that.

- Talk to your doctor: Broward County attorney **Stephanie Schneider**, chairwoman of the Florida Bar Association's Elder-Law section, has found it pays to be as specific as possible when drafting a living will if you have strong feelings about your health care. She's found, for example, that some clients are willing to say yes to the less-invasive feeding tube inserted through the nose but would decline a feeding tube inserted in the stomach, such as what Terri Schiavo has.

How to decide where to draw the line? Talk to your physician and the hospice nurses who might be caring for you if you become terminally ill. Have them explain to you exactly what will happen to your body and your quality of life should you stop receiving medically administered nutrition, hydration and pain medication.

"Go to your hospital or hospice in advance and make sure they are [the] kind of people who truly under-

# WRITE YOUR LIVING WILL NOW

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stand what you want and that they will abide by your wishes," said David Brand, chief executive officer of the End-Of-Life Choices advocacy group based in Denver.

- Go to the ethics board: Most hospitals and hospices now have ethics boards or committees to help mediate family disputes on care issues. Use them. Physicians report that the majority of cases before ethics boards have been resolved without expensive and painful legal action.

- Include HIPAA language: The Health Insurance Portability and Accountability Act, or HIPAA, that went into effect this year has medical professionals so worried that they sometimes are reluctant to release information to even well-meaning family members. **When doing estate planning, Schneider now is advising clients to draft a separate HIPAA document, stating exactly who can receive their medical records and under what conditions.**

- Start early: Many readers may think this column applies to them only if they are 60 or older. It doesn't. Some of the most famous cases involving families struggling with whether to continue life support — Karen Ann Quinlan, Nancy Cruzan and now Terri Schiavo — all involve women who were under the age of 30 when they became incapacitated.

Kaplan suggests that advanced medical directives should be drawn as soon as one becomes a legal adult, or at least when one becomes a parent.

- Get educated: A good estate planning or elder law attorney can draw up more specific advanced medical directives than a layperson. But several nonprofits can give you general advice and instructions about living wills or medical power-of-attorney forms.

They include: Partnership for Caring at [www.choices.org](http://www.choices.org) or 800-989-9455. Reach Aging with Dignity, a Tallahassee-based organization that created the Five Wishes living will, at [www.agingwithdignity.org](http://www.agingwithdignity.org) or 888-594-7437. The Florida Bar Association's Web site also has detailed information about advanced medical directives. Go to [www.flabar.org](http://www.flabar.org) and click on Consumer Services.

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