

# The Gray Areas of Healthcare Decisions

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“My kids know exactly what I want,” the client tells me at the outset of our legal planning appointment. “Do not connect me to all those machines!” “Would you want to be connected to machines for a short time if you had a chance at living a full life?” I ask.

“Yes.”

“Do your kids know that?”

With that question, the client is stumped. The client knows they don't want to live connected to machines “forever” but hasn't considered the short-term possibilities. Leaning in to the gray areas of healthcare decisions is the goal of National Healthcare Decisions Day, which occurs annually on April 16. If you are wondering how April 16 was chosen for this important day, we can turn to our founding father. As Benjamin Franklin notably wrote, “In this world nothing can be said to be certain, except for death and taxes.”

Many people have thought about how they want, or don't want, to die. This is usually colored by our own experiences with the passing of a loved one or cultural traditions. The question of how I want to live, is much more difficult. It is a question that Dr. Atul Gawande challenges us to think about in his book *Being Mortal*. What level of pain am I willing to endure in order to participate in a family event? Do I have religious or faith-based feelings about this topic? What if I need an amputation? Would I participate in a clinical trial? These are questions that need to be both answered by you, and, critically, discussed with your healthcare decision maker.

The healthcare decision maker, or agent, is named in a healthcare power of attorney, also known as an advance directive. The agent makes decisions that could affect how you live your life, not just how you die. Often, challenges (including legal problems) arise when you haven't had these important conversations, and a major medical event or accident occurs. It's vital to not only consider the different healthcare scenarios that may arise, but also who will make the decisions for you. Who do you trust? Who is capable?

Once you have considered the hard questions, what is the next step? Find an attorney to draft your legal documents and formalize your wishes. It's a good idea to look for an estate planning or elder law attorney who works with these issues every day. Most people think through their financial planning alongside healthcare planning. Financial questions such as ‘who will take care of my financial well-being if I am incapacitated’ go side by side with healthcare questions, such as ‘who will make medical decisions for me if I am incapacitated.’ While meeting with an

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attorney about these documents, you may also discuss planning documents for distributing your money and belongings after you die.

What happens if you don't put these documents in place? The state of Illinois has a law that determines who will make healthcare decisions for you in the event of incapacity. If there is a disagreement among potential decision makers, then a guardian may be appointed.

Sometimes it feels impossible to make these decisions. If you feel stuck, a chaplain can help you think through values-based decisions. Chaplains are available at most hospitals and through CJE. A chaplain can help you prioritize what is important to you and whether you have religious considerations you want included in your documents. It may feel intimidating at first, when you don't quite know how to talk about such heavy topics.

Among the questions to consider, it is helpful to think through how religion influences your decisions. Is your agent aware of your beliefs? If you have chosen one of your children to be your agent, is that child aware of how your religious beliefs may be the same or different from their own? Is there a rabbi or other faith-based leader you want involved in decision making? Is there a faith tradition that is important to you either for healthcare or for funeral and final resting place arrangements?

Once the documents have been finalized, make it a priority to discuss your healthcare wishes with your agent annually. As Dr. Naomi Rachel Reman writes in *My Grandfather's Blessings* "Over time, new meanings may evolve that are far less universal and more our own. It is important to revisit our wounds to see what new meanings may have grown there." A question to ask is "What experiences have I had this year that may have changed the way I think about my healthcare and my money."

CJE SeniorLife has many tools available to help you get the conversation going and work through the processes. You can meet with one of our attorneys, read our guide on Healthcare Advance Directives, and download the documents themselves from our website.

*Make it a  
priority to  
discuss your  
wishes.*

**Visit [www.cje.net](http://www.cje.net) or call 773.508.1000 to get started.**



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