

Talking About Medical, Legal, and Financial Issues with Your Older Relative

Overview

How to talk with your older relative about end-of-life decisions and final wishes.

- Decisions to discuss with your older relative
- Having the conversation
- Helping your relative choose a proxy

One of the most important conversations you can have with your older relative is about end-of-life and final wishes, including who will make important decisions if your older relative is unable to make these decisions himself. These issues can be painful to discuss. But bringing them out into the open is a necessary step toward making sure your loved one's desires are carried out. Often, your older relative will feel relieved and has probably been thinking about these issues, too, but may be reluctant or afraid to bring up the subject. It may even help you and your relative feel closer.

Hopefully, your older relative has thought about the need to plan ahead for a possible health crisis. If not, you may have to raise the subject yourself. It's natural to feel uncomfortable with such a sensitive issue, but if you do so in a caring way and explain that such conversations are necessary to protect your relative's wishes, you will both feel better knowing your loved one will have the final say in these important matters.

Decisions to discuss with your older relative

None of us can predict when a medical crisis may occur. But we can prepare for the possibility that there will be a time when we won't be able to make decisions for ourselves. There are several legal options that will allow your older relative to put her wishes in writing and designate an "agent" to make decisions on her behalf. You may have to do some "educating" of your older relative, especially if she is unfamiliar with some of the terms below.

- *Durable power of attorney.* This is a legal document that allows a person your relative selects to act on his behalf. Unlike a regular power of attorney, a durable power of attorney stays in effect should your relative become incapacitated. Your older relative will need to grant one or more individuals the following types of durable power of attorney:
 - Durable power of attorney for finances. Your relative authorizes an individual to manage her finances. This includes everyday transactions, such as writing checks, to more involved ones, including filing taxes and managing retirement accounts.
 - Durable power of attorney for health care. This allows the person named to make decisions about your relative's health care. The person your relative

designates, called a health care proxy or agent, is authorized to participate in medical discussions and make treatment decisions in accordance with your relative's wishes.

- *Do Not Resuscitate (DNR) order.* A DNR instructs medical professionals and emergency personnel not to revive your relative should he stop breathing or if his heart stops.
- *Living will.* Also called a health care declaration, advance directive, or health care proxy, this document provides written instructions about the type of medical treatment your relative does or does not want in the event she is unable to speak for herself. It only goes into effect when a person is not expected to recover from a medical condition and cannot express her wishes. For example, a living will may express a person's desire not to be kept alive by artificial means, such as a breathing tube. Some states combine durable power of attorney for health care and a living will into a single form called an "advanced health care directive."

Having the conversation

Making end-of-life decisions for somebody else is difficult and painful for both loved ones and family caregivers. You can make these decisions easier by talking about your wishes and your loved one's wishes while you're still able to do so. It's really a gift to communicate with your loved one about end-of-life issues and decision-making and find out what he wants so that you can plan for and agree on certain procedures when the time comes. Very few people have these conversations. Spouses and partners don't have them with each other. And adult children don't have these conversations with their parents. According to a recent AARP article, only about 25 percent of adults have a living will.

Your older relative may feel uncomfortable talking about these issues. One way to get a conversation going is to start by referencing yourself. You might say to your older relative that you've begun thinking about your final wishes and that you've been discussing this with your partner, relative, or close friend. You might say, "We've started having this conversation and I'm wondering how you feel about these things? Have you prepared a living will or a health care proxy or a durable power of attorney?" Acknowledge that it is painful to talk about these issues. Then say, "I want to make sure I understand your wishes so that your wishes are honored."

Here are some points to bring up to your older relative when you have the conversation:

- *"Preplanning will allow you to stay in control."* You might say, "Planning ahead means your wishes will be followed if you lose your ability to make decisions for yourself." Explain that without written or legal documents, the courts may appoint a guardian to oversee your relative's finances and health care.

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Designating durable power of attorney and writing a living will guarantee not only that someone you approve of will act on your behalf, but that your wishes are known and will be honored.

- *“You can designate when your durable power of attorney will go into effect.”* When you make your durable power of attorney, you can stipulate that it not go into effect unless a doctor certifies that you have become incapacitated. This allows you to keep control over your affairs unless you are no longer able to understand and communicate your own wishes.
- *“Taking care of these legal issues ahead of time will relieve the anxiety of your loved ones.”* Without these documents, your loved ones will likely have to go to court for authority over your financial affairs and guess at your wishes regarding medical treatment. This will make an already stressful time more difficult.
- *“The people you name are legally bound to carry out your wishes.”* Your health care proxy must work with your health care provider to make sure you get the kind of care that you desire. By spelling this out ahead of time, you’ll be confident that doctors will take only those measures that you approve of.
- *“The person you put in charge of your finances is required to act in your best interests.”* This includes the legal requirement to maintain accurate records, keep your property separate from hers, and avoid conflicts of interest.
- *“You can limit the authority of your financial agent and health care proxy.”* You may decide that your agent may use your assets to pay your everyday expenses, but not invest your money in stocks, bonds, or mutual funds. Or that your health care proxy make only certain decisions regarding your care. However, it’s best to give your health care proxy unlimited authority to make decisions on your behalf because circumstances may change in ways you can’t foresee.

Helping your relative choose a proxy

Often, a person will choose the same individual to serve as his health care proxy and financial agent. This is usually a relative or a very close friend. However, it’s OK to choose different people for these roles. It’s also perfectly fine to have individuals serving jointly in either or both roles. If your loved one designates more than one health care or financial agent, he should be careful to choose individuals who work well together.

The following questions will help your older relative make this important decision:

- *Are you comfortable speaking about your health and finances with this person?* Ideally the person with durable power of attorney is someone you are able to have candid conversations with about your health and finances.

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- *Will this person respect your wishes?* It's not necessary that your proxy agree with your decisions about medical treatment as long as you're confident she will make sure they are carried out.
- *Is this person assertive?* Choose someone who will be able to lobby on your behalf to other family members and health care providers.
- *Do you have complete trust in this person?* Feeling confident with your choice is essential to your own peace of mind.
- *Does this person have good common sense?*
- *Does this person live close to you?* It's not essential that your health care or financial agent live close to you, but it will make things easier for him. If you have a long hospitalization, your health care proxy may need to meet regularly with health care providers to discuss your treatment and make decisions about your care. This will be more convenient if the person lives nearby.

If you talk with your relative about these issues and she still seems reluctant to designate a durable power of attorney or to write a living will, you may want to consider seeking outside help. A clergy member; a health care professional, such as your relative's physician; another relative; or even a close friend may be able to help. Your company's employee assistance program (EAP) or work-life program can also help you address your relative's concerns.

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