**Sharing Your Wishes: Keeping the Language Straight**

|  |  |
| --- | --- |
| *A Will* | A legal document used to divide assets and property after death. |
| *A Living Will* | Written instructions that tell physicians and family members what life-sustaining treatment one does or does not want at some future time if a person becomes unable to make a decision. |
| *Power of Attorney* | A legal document in which one person gives another the authority to make specified financial decisions or assume certain financial responsibilities. If this authority extends after the time that the person who made the appointment is competent, it is called a “durable power of attorney.” |
| ***Health Care Proxy form*** | In this legal document a person (a principal) appoints someone else (an agent or proxy) to make his/her health care decisions in the event he/she becomes incapable of making decisions. In other states, sometimes called a *Power of Attorney for Healthcare.* |
| *Health Care Agent* | The person (and alternate, if identified) that an individual appoints to make his/her health care decisions in the event he/she becomes incapable of making decisions.  |
| *Legal Guardian*  | This is a person appointed by a judge to make another’s (the ward’s) personal decisions, including consenting to or refusing medical treatment. |
| Below are physician-signed orders: |
| *Do Not Resuscitate (DNR) Orders*  | Hospital DNR Order applies only in a health care facility such as a hospital, nursing homeor mental hygiene facility licensed by NYS. Non-Hospital DNR Order must be recorded on a specific NY State form. See “Planning Your Health Care in Advance” from the Office of the Attorney General Website at [www.ag.ny.gov](http://www.ag.ny.gov), limited number of copies available from Sharing Your Wishes 607-273-8686. |
| *MOLST (Medical Orders for Life-Sustaining Treatment)*  | A bright pink medical order form signed by a NYS licensed physician that translates patient/ resident goals and preferences into medical orders. Includes orders regarding: CPR, intubation and mechanical ventilation, artificial nutrition and hydration, future hospitalization and transfer, and antibiotics. See [www.health.state.ny.us/professionals/patients/patient\_rights/molst](http://www.health.state.ny.us/professionals/patients/patient_rights/molst)  |

**What if someone has NOT completed a health care proxy form identifying their agent?**

The 2010 Family Health Care Decision Act establishes a priority order for decision-making surrogates for people who have lost the capacity to make decisions about medical treatment and have NOT formally identified a health care agent.

**Decision-making priority order**

* Individual themselves

If an individual can no longer make health care decisions:

* Health Care Proxy appointed by the individual

If there is no formally appointed health care proxy, in order of priority:

* Court-appointed guardian (if there is one)
* The spouse or domestic partner
* An adult child
* A parent
* A brother or sister
* A close friend

Having this priority list will be of significant help in many situations where someone has not designated a health care agent and where there is no disagreement about treatment choices within the priority surrogates.

The priority ranking could still leave two or more people with equal decision-making authority; for example, in situations where there are two or more in that category (children, or parents, or siblings). If you are NOT comfortable with this priority order, it is important to designate a health care proxy. Otherwise health care providers will need to abide by the priorities identified in the Family Health Care Decisions Act.

The Family Health Care Decisions Act DOES NOT eliminate the need for open and honest conversations with loved ones about your wishes for medical care.

**For more information**

Human Services Coalition of Tompkins County – additional *Sharing Your Wishes* materials and support ([www.hsctc.org](http://www.hsctc.org) or 607-273-8686)

Compassion and Support – detailed resources for advance health care planning ([www.compassionandsupport.org](http://www.compassionandsupport.org))

New York State Health Department – “Health Care: A Guide for Patients and Families” ([www.health.ny.gov/publications/1503.pdf](http://www.health.ny.gov/publications/1503.pdf))

New York State Bar Association – Family Health Care Decisions Act Information Center ([www.nysba.org/fhcda](http://www.nysba.org/fhcda))