

legal lines

from
MOORE, SUSLER, MCNUTT, WRIGLEY & ROOT
Lawyers

TO YOUR HEALTH

By Dan Moore

We try to stress the importance of health care powers of attorney for every adult, every chance we get. For a full discussion of the subject please visit our website, www.decaturlaw.com and download a copy of our November 1994 issue of Legal Lines (or call us). Read its lead article "Who needs a living will anyway?".

Remember that your health care power of attorney is only as good as your agent's knowledge about you and your health care views at a time she or he is called upon to make health care decisions for you. Once you have a health care power of attorney, you could greatly help your agent help you by completing the following form.

"These are my beliefs and values about my health care:

I want you to know these things about me to help you make decisions about my health care:

My goals for my health care:

My fears about my health care:

My spiritual or religious beliefs and traditions:

My beliefs about when life would be no longer worth living:

My thoughts about how my medical condition might affect my family:

This is what I want and do not want for my health care:

Many medical treatments may be used to try to improve my medical condition or to prolong my life. Examples include artificial breathing by a machine connected to a tube in the lungs, artificial feeding or fluids through tubes, attempts to start a stopped heart, surgeries, dialysis, antibiotics, and blood transfusions. Most medical treatments can be tried for a while and then stopped if they do not help.

I have these views about my health care in these situations:

(Note: You can discuss general feelings, specific treatments, or leave any of them blank.)

If I had a reasonable chance of recovery, and were temporarily unable to decide or speak for myself, I would want:

If I were dying and unable to speak for myself, I would want:

If I were permanently unconscious and unable to decide or speak for myself, I would want:

If I were completely dependent on others for my care and unable to decide or speak for myself, I would want:

In all circumstances, my doctors will try to keep me comfortable and reduce my pain. This is how I feel about pain relief if it would affect my alertness or if it could shorten my life:

These are other things that I want or do not want for my health care, if possible:

Who I would like to be my doctor:

Where I would like to live to receive health care:

Where I would like to die and other wishes I have about dying:

My wishes about donating parts of my body when I die:

My wishes about what happens to my body when I die (cremation, burial):

Any other things:"

Before we found this thought-provoking form, we recommended completing a Values History Survey that we prepared and offered to clients. (Call us for a copy of either form.) But regardless of which form you complete, be sure your health care power of attorney is in force and that your agent knows what you would want her or him to do.

Almost as important as the health care power of attorney is a property power of attorney. (For a discussion of that subject see our September 1995 issue of Legal Lines article entitled "If You Would Just As Soon Your Guardian Were An Angel....") With both of these powers in place, guardianship should never be a part of your future picture.

OUR NEW IDENTIFICATION

It can't be forged. It can't be lost. It's good for our lifetimes - and even beyond. It courses through our veins, it's in our bones and in every cell of our bodies, and each of us has a very unique one. It is, of course, DNA - our identification card for the millennium.

Perhaps, as ways are found to read it without even surrendering the smallest scraping of tissue, we will be able to trash our social security numbers, our various account numbers and even those pesky PIN numbers. Just press your index finger to the DNA reader and open whatever electronic doors need to be opened for you - and only for you.

Another plus side of DNA technology is in the area of our health. Scientific investigators are rapidly completing the identification of every gene in the human body and when this is complete (now projected for 2003), it is almost certain to make possible the successful management of many diseases from which patients have died in the past.

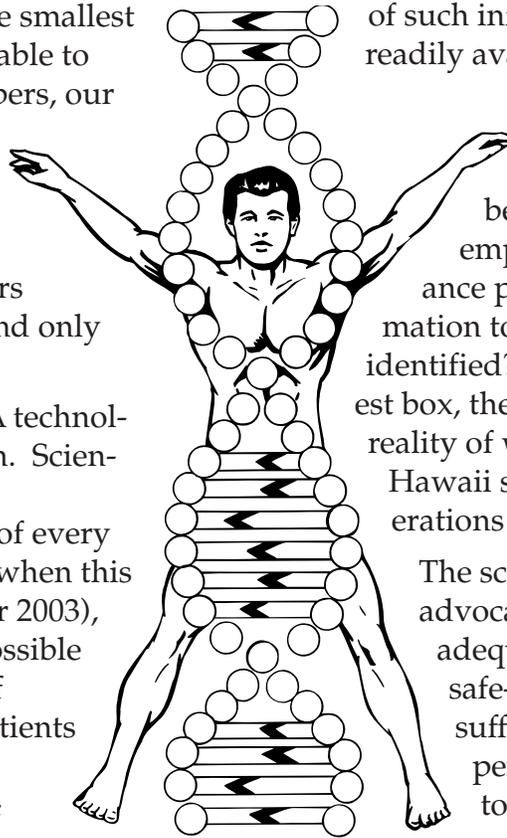
For some, this new tool of biotechnology will not be seen as a benefit. For John William King, the man recently convicted of brutal murder in Jasper, Texas, part of the physical evidence against him was his DNA swabbed from a cigarette butt at the crime scene. Now there is a push to require DNA testing of everyone arrested, regardless of the crime with which he or she may have been charged. Attorney General Janet Reno has asked a federal commission to study the legality of this possible intrusion upon our privacy rights and whether this may be a violation of Fourth Amendment protections against unreasonable searches and seizures.

Aside from its ability to sometimes nail criminal offenders, DNA plays an equally unwelcome role to the defendants in paternity actions, where it is routinely used to identify and thus place financial responsibility on reluctant fathers.

Even where DNA is being utilized to conquer disease, there are concerns about the use of such information. At least until cures are readily available, will families want to know about genetic predisposition to certain life-threatening diseases? Moreover, might this knowledge be communicated to potential employers or health care or life insurance providers, who could use this information to the detriment of persons so identified? And then there is Pandora's scariest box, the possibility of genetic cloning, the reality of which was proven by University of Hawaii scientists last year where three generations of cloned mice were created.

The scientific community and consumer advocate groups are working to provide adequate privacy and confidentiality safeguards and at the same time give sufficient latitude to the scientists to permit vital health protective research to go forward. It is a very fine legal and ethical tight-rope that they walk.

DNA may seem like just another, significant intrusion upon our right of privacy to some, especially those for whom it may mean conviction of a crime or establishment of paternity. On the other hand, for its positive uses known and yet to be discovered, for most of us it will be considered a benefit. Regardless, the genie is already out of the bottle. In the words of North Carolina State Senator Tony Rand, "It really can be a significant benefit to society, provided we do things the right way. The technology is coming, whether we like it or not. It's up to us to figure out a way to deal with it."



CARD

A SIDE BAR ON DNA

As everyone knows, DNA is deoxyribonucleic acid, but just where does it fit into the make-up of our bodies? In the same way the old song described our skeletal system "the foot bone's connected to the ankle bone...", here is a layman's attempt to describe how DNA connects with the rest of our body.

- a. Genes contain our blueprints.
- b. DNA contains our genes.
- c. Chromosomes contain our DNA.
- d. Nuclei contain our chromosomes.
- e. Cells contain nuclei.
- f. Our bodies - from the foot bone to the skull bone and all that's attached - contain one hundred trillion cells.

Do You Know...

any child whose parents' marriage is in trouble? If so, you may want to call us and request a copy of a new booklet from the American Academy of Matrimonial Lawyers. It is called "Stepping Back from Anger, Protecting your Children during Divorce." This could be one of the most important gifts ever given the parents of a child you love. Again, it's with our compliments.

In our next Legal Lines...

For those of you on Medicare or who have loved ones who are, you won't want to miss Karen Root's article in the next issue of Legal Lines exploring the Medicare + Choice options available. The article will attempt to weigh the benefits of the various program options and the possible pit-falls for those who enroll in them.

HEADS UP



In this box from time to time we will attempt to give you calendar reminders for events in and around Decatur in which we think at least some of our readers might be interested. Often, as with the last four of those that follow, the events are ones in which attorneys from our firm are participating.

☞ April 5-11, 1999

Health Care Action Week

Sponsored by the Campaign for Better Health Care to promote support for health care reform legislation like the Managed Care Bill of Rights. For more information, call 352-5600.

☞ Saturday, April 17, 1999, 8:30 a.m. to 12:30 p.m.
Illinois Power Plaza auditorium at South Franklin and Macon Streets -

"Prostate Health & Sexuality: How to Maintain Them"

Free, informative, doorprizes - for men and the women who love them.
For reservations call 876-2380.

☞ Thursday, April 29, 1999, 10:00 a.m. to 3:00 p.m.
Webster Cantrell Hall, 1942 East Cantrell Street

"Grandparents Raising Grandchildren"

a free seminar aimed at grandparents raising grandchildren and the health and social service people helping them.
For reservations call 1-800-888-4456.

☞ Monday, June 14, 1999, at 7:00 p.m.

Decatur Earthmover Credit Union, Mt. Zion
Bill McNutt will give an encore presentation about "Simple Wills".

The prior free seminar given on 2/21/99 was standing room only, and a second session was requested by the organizers.

For reservations call Karen Woods at 872-4102, ext. 1102.

☞ Saturday, June 26, 1999, at 8:00 a.m.

Race for the Cure - Fairview Park
Call 876-CURE to enter.

LIKE THAT TWINKLING LITTLE STAR... ever wonder who we are?



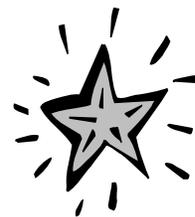
One convenient way to find out is to visit our newly remodeled website, www.decaturlaw.com. You'll see a thumbnail sketch on all the partners, descriptions of the many ways we are prepared to serve you and you can even download copies of prior issues of this newsletter. Knowing that some of you are not connected to the Internet and may not want to go to a place such as the Decatur Public Library to log on, we will use this space from time to time to highlight segments of our services. The menu (in computer terminology) of those services performed among our five partners includes:

- Workers Compensation
- Personal Injury
- Elder Law
- Trusts - Wills - Estates
- Business Litigation
- Corporations - Partnerships
- Discrimination & Employment Law
- Divorce - Custody - Support
- Health Care Disputes
- Criminal & Traffic
- Real Estate
- Mediation Services



This month we are highlighting our Elder Law practice. Although we are able to serve our clients in nearly every legal situation that may arise, as prior Legal Lines will attest, we believe the issues facing the elderly need to be aggressively addressed and that focusing efforts toward representing those individuals who are facing, or will face, these issues must be a priority. Incredible as it seems, the baby boomer generation is streaking toward seniorhood. With our firm's ten year experience working in Elder Law, we will be ready to assist the boomers when they face problems in areas such as:

- Estate planning (wills, trusts)
- Estate administration
- Estate litigation (will contests)
- Nursing home placement and disputes
- Advocacy in elder abuse cases
- Consumer fraud litigation
- Medicare & Medicaid representation
- Health care decision-making guidance



- Age discrimination litigation
- Americans with Disabilities counseling
- Advance directive preparation
- Long term care insurance advice
- Housing alternative guidance
- Residential care advice (rights & remedies)
- Guardianship advocacy
- Grandparents raising grandchildren advice
- Insurance discrimination litigation
- Social Security & disability representation
- Retirement and pension planning
- Marital (special issues) representation/counseling
- Veteran's benefits advocacy
- Income, estate and gift tax advice
- Non-legal support, e.g. financial planning, tax preparation, social services
- Dispute resolution in managed care disputes

Although each of the above services is considered to be a part of Elder Law, it is readily apparent that many of them are not just for seniors, but equally applicable to their younger caregivers. And some have absolutely nothing to do with how many years one has resided on the planet.

As you can see, the lawyers at Moore, Susler, McNutt, Wrigley & Root plan to provide a wide variety of services, utilizing our combined experience, education and enthusiasm for our Elder Law practice. If we can answer your questions, or if you would like to discuss any of these services in more detail, please give us a call.

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