

# DYING AT HOME

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Many of our clients express their desires to stay at home until they die. Many elderly clients have told me they NEVER want to go to a nursing home. They would rather die. Last summer I had a client who was in a nursing home after being discharged from a hospital with a gastro-intestinal feeding tube. She had been hospitalized because of weakness from poor nutrition. Her son (in his 40's, unemployed) lived with her. The other children advised he had a drinking problem and was not assisting his mother enough to keep her properly nourished. My client mentally was alert, oriented and was to be discharged in the next few days after removal of the feeding tube.

I met with her and her children in the nursing home. She advised me very clearly that she NEVER wanted to be in a nursing home again. She would rather be left to die at home than be in a nursing home again. We talked at length about the problems of her failing health, health care decisions, medical directives and medical power of attorney. I also discussed the repercussions to her family if she died at home and the authorities filed criminal charges against her son for criminal neglect. (This had happened a few years earlier in a case I was not associated with.)

I drafted a "Staying at Home" paragraph for her Medical Power of Attorney. I also had her sign a special DNR order/instruction. I drafted prepared instructions for the family. In this way, if she dies at home, the potential for criminal charges are reduced, and all the children, not just the caretaker son, understood her wishes. I now make these forms and instructions available to other clients.

Keep in mind, the primary purpose of the Durable Health Care Power of Attorney is to give the agent absolute power and control when the principal cannot act. You must, however, educate the agent(s) on what the agent can do and how he/she takes control.

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