

Legal Notes: April 2013

Is the Power of attorney for health care the end of planning or just a step in the process? Just a step in the process. At a recent bar lunch, Bud Hammes, from Gundersen Lutheran explained the need for a POLST in addition to a POAHC (sorry for the acronyms).

The POAHC is necessary to allow someone else to make medical decisions for you if you are unable to do so yourself because of an accident, disease or old age. However, the POAHC is not a doctor's order. For example, if an EMT is called, and the POAHC agent is present, the EMT will still attempt to resuscitate even if the agent says otherwise. While the agent under a POAHC can make a decision that will lead to a doctor's order, such an order not to resuscitate, the agent still will need an order and that is where POLST comes in.

POLST means "Physician Orders for Life-Sustaining Treatment." The POLST is a doctor's order on end of life decisions. It is usually completed when a patient is expected to live less than one year. The POLST is completed by a nursing home or hospital upon discharge, or a hospice upon admission. It contains different steps or sections about how you, or your health care agent, want treatment to occur in certain end of life situations. Section A says what should be done if you are not breathing and have no pulse. Section B describes your choice if you are breathing and have a pulse, with three options being Comfort Measures Only, Limited Addition Intervention and Aggressive Treatment.

After completion with the hospital or nursing home staff, the POLST is reviewed by a treating physician and then signed. The POLST is single yellow sheet that is given to a discharged patient and can be kept in the home or hospice.

The POLST system is in place in Western Wisconsin, but not all areas of the country are using it and in some areas it goes by a slightly different name.

If you have a POAHC in place or are named as an agent in someone else's POAHC, it will be necessary to be aware of POLST when the time comes. If someone else is your agent, have that person participate in any POLST discussions and likewise if you are named agent, ask to be included in such discussions.

Side Note: Speaking of health care, if you haven't had a chance to read the Time magazine article (actually it comprises the entire issue) from March 4, 2103 do so

immediately. The article is an in depth analysis of medical billing that will be especially relevant to those who have private insurance or are uninsured.