

Kleps Law Office, PLLC

April 16, 2010

By Michael Kleps, a Bellingham, WA attorney helping people face challenges related to aging or disability.

Michael T. Kleps
119 N. Commercial St., Ste. 190
Bellingham, WA 98225
michael@klepslawoffice.com
(360) 650-1766

A Health Care Directive Overview



A health care directive (also referred to as a “Living Will”) is a patient’s written direction to their physician regarding withholding life sustaining treatment in the case that the patient is in a terminal or permanently unconscious condition.

The right was first created in Washington in 1979 under the Natural Death Act, now codified in RCW 70.122. Under this statute, two physicians must certify the patient to be “in a terminal condition.”

Under certain circumstances a health care facility may refuse to honor a directive but it must inform a patient or the patient’s authorized representative of its policy to do so (RCW 70.122.060).

In creating this law, the legislature found that modern medical technology makes possible the artificial prolonging of human life...and that to protect individual autonomy, dignity and privacy an adult has the right to make a written directive to their physician to request the physician withhold treatment (RCW 70.122.020).

The real life value of a health care directive

We all have been affected by a loved one dying. The unique challenges that arise test family communication and decision making to the fullest.

A common scenario: A parent falls ill (with Alzheimer’s, cancer or otherwise). One adult child may live closer to the parent and early on is more involved with the care giving and decision making. This child sees the parent increasingly struggle and feel pain as illness progresses.

Another adult child lives farther away and gets updates over the phone. Then the parent’s health worsens. It is obvious to the more involved adult child that the parent is dying. At some point, the ‘out of town child’ visits. This ‘out of town child’ is worried that not everything has been tried to help the parent. The ‘out of town child’ wants to keep the parent on a feeding tube and respirators in the hope that he or she will get better.

Thankfully the parent executed a Health Care Directive laying out his or her wishes for medical treatment. The family disagreement is minimized and the parent’s wishes are honored.

When a loved one is dying, family members feel fear, doubt, and uncertainty. Often underlying tension in the family is quick to surface. Planning can ease the strain on family during this fragile period and guide them away from crisis.

Further Planning

A health care directive is only one piece among many planning opportunities. Other important medical treatment planning includes: (1) a health care power of attorney; (2) Anatomical Gift Declaration; (3) Physician Order for Life Sustaining Treatment or ‘POLST’ form; (4) a Do Not Resuscitate bracelet; (5) using hospice service; and (6) educating your family about your wishes.