



Dealing With Death: Preparing for a Death

This series of articles is designed to help you and your loved ones deal with the "business" processes surrounding a death in the easiest and simplest manner possible.

It is recommended that you obtain legal advice regarding decisions about estate planning and distribution.

Living Wills

All states allow a person to make a written directive instructing his or her physician to withhold or withdraw life-sustaining systems, such as tube feeding for hydration (water) and nutrition (food). These actions must be specifically indicated. The document containing this and similar instructions is called an *advance directive* or *living will*, which are regulated differently by each state. Check with your state for specifics.



Some Common Living Will Conditions

- The living will must usually be signed in the presence of two disinterested witnesses and included in the patient's medical records.
- The document may not be signed by relatives, beneficiaries of the estate, attending physicians or their employees, employees of a health care facility or agency of which the signer is a patient, or any person who has a claim on the estate of the person making the living will. This presents a conflict of interest.
- Procedures which serve only to artificially prolong life will be withdrawn or withheld often only upon appropriate diagnosis by two physicians.
- A living will may be revoked at any time, verbally or in writing.
- Withholding of life-sustaining treatment in accordance with a valid patient's written directive does not constitute a suicide, nor invalidate or modify any existing policy of life insurance.
- If a person makes no decision, the law allows the families to decide.

Organ Donations

Many states have laws governing organ donation that commonly include the following:

- Allows any adult to donate all or any part of his or her body for transplantation, medical research, or education

- Requires hospitals and their medical personnel to ask any deceased individual's next of kin at or near the time of death whether or not the deceased is an organ donor
- Does not require the consent of surviving family members when a gift has been authorized by the deceased person; however, objections by the next of kin can cause delays which make donations impossible

Laws regarding organ donation are made to encourage medical personnel to offer the option of donating organs, not to pressure the families. The final decision is up to the family.

Share your wishes:

- Carry a donor card or driver's license notification at all times.
- Inform your family, physician, and attorney of your wishes and where to find the authorizing documents. (This includes telling them if you don't want to be a donor as well.)
- Put something in your will but make sure you also carry the necessary authorization on your person. If you don't, your wish may not be recognized at the time of death.

Source: Washington State Attorney General's Office. (n.d.). Dealing with death. Retrieved November 2, 2007, from <http://www.atg.wa.gov>

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