



Spiritual & Estate Planning – Part 1

May 5, 2024



WORSHIP



GROW



LIVE



CARE



SERVE

Part 1: Spiritual & Physical Care

- Objective
 - How to End Life Well . . . for you and your loved ones
- Spiritual Care
 - Leaving a Spiritual Legacy
 - What to Include in a Spiritual Legacy
 - Communicating your Spiritual Legacy
- Physical Care
 - Advanced Planning for Medical Decisions
- Next Steps



WORSHIP



GROW



LIVE



CARE



SERVE

Leaving a Spiritual Legacy

- As followers of Jesus, we face death:
 - With honesty
 - With hope
 - As stewards of life!



WORSHIP



GROW



LIVE



CARE



SERVE

What to include in a Spiritual Legacy?

- Funeral plans and preferences
- Favorite or significant hymns and/or scripture readings
- Communication describing your wishes, hopes and desires
- Freedom for your loved ones to make the decisions that they need at the time of death



WORSHIP



GROW



LIVE



CARE



SERVE

Communicating your Spiritual Legacy

- Share with loved ones
- Share with pastor or spiritual leader
- Share with preferred funeral home, if identified



WORSHIP



GROW



LIVE



CARE



SERVE

Other considerations:

- First Draft of your obituary
- Contemplate your unfinished business
- Stanford Letter Project
 - <https://med.stanford.edu/letter.html>



WORSHIP



GROW



LIVE



CARE



SERVE

Questions?



WORSHIP



GROW



LIVE



CARE



SERVE

Advance Planning For Medical Decisions

Bethlehem Lutheran Church

May 5, 2024

Don H. Twietmeyer, Esq., CPA

Trevett Cristo© 2024

What legal documents are we are covering?

May 5th
Medical Decisions



Healthcare Proxy

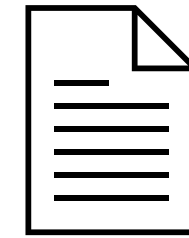


Living Will

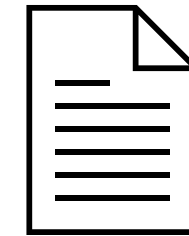


MOLST / POLST

May 19th
Financial & Estate Planning



Power of Attorney



Wills / Trusts



WORSHIP



GROW



LIVE



CARE



SERVE

Medical Decision-making

Types of Decision-Making Authority

- Self – always used if competent
- Health Care Proxy – valid in NY since 1991
- Living Will – always available through case law
- Medical Order for Life Sustaining Treatment (MOLST) – recognized in NY
- Physician Order for Life Sustaining Treatment (POLST) – used in some states instead of MOLST

Health Care Proxy

Legal Requirements – Article 29-C Public Health Law

- Person signing the proxy must be competent when proxy is signed
- Two adult witnesses must sign (cannot be agent)
- Remote witnessing permitted, provided witness signs transmitted copy within 24 hours
- Effective only after determination that principal lacks capacity to make health care decisions
- Must be on separate form and not part of another document such as power of attorney

Health Care Proxy

Additional Considerations

- Ability to include alternate agent if primary agent is not available to make decisions
- May give (or prohibit) agent the authority to make organ donations on behalf of principal
- May give (or prohibit) agent from authorizing use of experimental drugs (i.e. – Remdevisir) for unusual situations, such as COVID-19 pandemic
- May allow agent and doctor to communicate remotely (i.e. – FaceTime, Microsoft Teams, Zoom, phone, etc.) rather than face-to-face

Health Care Proxy

Rights and Duties of Agent

- Make any health care decisions that principal could make
- Must be according to principal's religious and moral beliefs
- If wishes are unknown, must be in principal's best interest; however, unable to make decisions regarding artificial nutrition and hydration if such wishes are unknown and cannot be ascertained
- Has right to receive medical information and medical and clinical records necessary for making an informed¹³ decision regarding principals' health care

Living Will

Requirements

- No formal requirements or statutory authority, but authorized by New York courts
- Primarily a “to whom it may concern” document that sets forth end-of-life wishes
- May reference health care agent or other family member or friend to communicate end-of-life wishes to medical provider
- Generally will include language similar to what is set forth in the Health Care Proxy¹⁴

Living Will

Form

- New York State Attorney General's website includes form:
<https://ag.ny.gov/sites/default/files/livingwill-template-fillin.pdf>
- Other websites include variations of the document, including variations of the health care proxy
- When Wills are prepared, attorney will usually discuss health care proxies and living wills

MOLST (a/k/a POLST)

Requirements

- Voluntary form that sets forth specific treatments that should be received or avoided
- Usually done for patients with advanced illness and who may die within 1-2 years
- Physician, nurse practitioner or physician assistant reviews form with patient
- If patient lacks capacity, form may¹⁶ be reviewed with health care agent for the patient
- All health care professionals and emergency medical services providers are required to follow wishes in form

MOLST (a/k/a POLST)

Form

- New York State Department of Health MOLST Form DOH-5003: <https://www.health.ny.gov/forms/doh-5003.pdf>
- Should be reviewed with patient (or health care agent if patient is not competent) every 90 days, or if patient moves to a different facility
- Special rules apply to patients with intellectual or developmental disabilities (i.e. – certain sections signed only by physician, certain sections require at least one witness to be the treating physician, certain notices are required, etc.)
- For states using POLST instead of MOLST, 5 have adopted national form (Alabama, Arizona, Iowa, Maine, New Hampshire) and 3 have adopted their own variation of the national form (Alaska, Idaho and West Virginia)
- National POLST form: <https://polst.org/wp-content/uploads/2021/03/2020.05.11-National-POLST-Form-with-Instructions-r2.pdf>

Summary

- Should always consider some form of written instructions regarding your health care decisions
- If in New York, at least have Health Care Proxy completed
- Discuss all of your medical wishes with your named health care agent, including wishes around artificial nutrition and hydration

Questions?



WORSHIP



GROW



LIVE



CARE



SERVE

Handouts in the Narthex / Online

- “Love Letter to My Family”
 - By Cornerstone Planning, a document that you can use to write down important information for your family
- My dad sent me a “financial love letter”
 - An article written by Laura Wheatman Hill – everything her father told her to do when he dies . . . and now she is planning the same for her own kids
- “Facing mortality, more Americans wrote wills during the pandemic. Now their opting out”
 - USA Today article written by Daniel de Visé



WORSHIP



GROW



LIVE



CARE



SERVE