

# The **POWER** of ATTORNEY PROJECT

Welcome to the Power of Attorney Podcast which is part of our Conversations that Matter Podcasts. My name is Mary Bart, Chair of Caregiving Matters. This podcast is intended to provide general information only and is not intended to be a substitute for seeking personalized legal, financial or other advice. This podcast raises issues that our audience can further explore on their own in their own local communities with their own local experts. This project will help to be a call to action for families to solve their issues, find solutions to their problems, and have greater peace of mind.

Mary-Today's topic is How to Excel as an Attorney for Personal Care and our guest expert is Shirley Roberts. Welcome Shirley and thank you for joining us on this podcast.

## **How to Excel as an Attorney for Personal Care** **By Shirley Roberts, Author of *Doris Inc.***

### **1) What do Attorneys need to do to get ready for their role?**

#### **a) Learn what their role is and when their authority begins and ends.**

- i. Role of making medical treatment decisions on behalf of a loved one begins when parent or spouse has been deemed mentally incompetent of making their own medical-treatment decisions, due to a head injury, a stroke, dementia, or when under sedation while on a respirator, for example.
- ii. A Power of Attorney for Personal Care gives us the authority to act on our loved ones wishes when making decisions about their care and well-being. Specifically, decisions should be made regarding their medical treatment, food, housing, clothing, hygiene and safety. For dementia patients attorneys should ensure their physical needs are met, and also their emotional, intellectual, social and spiritual needs.
- iii. Need to make decisions decisively after weighing all the options.
- iv. Role ends when patient regains consciousness and/or mental competency, or when they die.

#### **b) Learn how to access a loved one's Power of Attorney for Personal Care**

- i. Attorneys need to know where their parents and spouse keep their notarized original of their POA for Personal Care.
- ii. Attorneys will need to make copies of the POA document to give to health care professionals, so they will respect their decision-making authority.

**c) Prepare for emergencies**

- i. Develop a list of important people and contact information, a list of the senior's medications, and a back-up plan for who will cover for us if we get sick, i.e. other attorney?
- ii. Make sure our loved one puts our contact information in their wallet so we can be reached quickly if they become incapacitated.
- iii. Prepare for palliative-care needs of an expected death as described in the last chapter of my book.

**2) What strategies will spare Attorneys unnecessary anxiety?**

**a) Learn how to keep family harmony**

- i. If we have been appointed an attorney jointly and severally with a sibling we can act alone or together. When time permits, it is best, however, to make decisions together and always speak with one unified voice to family and health care professionals. This will avoid confusion, frustrations and conflicts.
  - (1) To avoid family feuds, it is also best to inform other family members of decisions before acting.
- ii. Good information and advice from medical and eldercare experts leads to good decisions and more harmony between family members.

**b) Encourage parents and spouse to make early preparations for end-of-life**

- i. By communicating their end-of-life wishes.
  - (1) Do they want medical heroics to keep them alive if they become terminally ill such as a feeding tube, respirator, resuscitation if their heart stops, or kidney dialyses, etc?
  - (2) Do they want organ donation.
  - (3) Where they want to die; at home, hospital, nursing home or hospice residence if available.
- ii. Make sure these wishes are expressed to other family members and their family doctor. If they don't, family conflicts may arise and create long-lasting tension when their wishes are unknown.
- iii. As well, tremendous anguish may result when attorneys are forced to make difficult medical decisions without guidance.
  - (1) Story of my mother at 89, decision to replace or not replace her pacemaker battery.
- iv. Formally put end-of-life wishes in a POA for Personal Care so they are readily accessible to their attorney and hospital care team in a crisis situation.

**c) Encourage parents and spouse to make and pay for funeral arrangements.**

- i. This tactic will avoid tremendous stress at the time of death.
- ii. Making funeral, service and burial wishes known will give family peace of mind.

### **3. How can Attorneys become good advocates?**

#### **a) To be a good advocate we need to take on a leadership role over the care and well-being of our parents or spouse.**

- i. Too often attorneys take a passive role and give in to the dictates of the health care system. When this happens, seniors and their families have little say in determining their own destiny. If there is no family-care leadership, people with dementia may become a low priority in health-care production lines. Elders receive better care when their family gets involved and works collaboratively with their health-care team.
- ii. Learn patients' and our own rights as an attorney:
  - (1) To ask questions based on our own unique perspective and knowledge of medical history and wishes.
  - (2) To ask for a second opinion, if we don't have confidence in a specialists' recommended treatment plan.
- iii. Knowledgeable leaders make better care decisions. Attorneys need to become well informed about their loved one's medical problems and treatment options.

#### **b) Learn the skills of good advocates, as I describe in *Doris Inc.***

- i. Get to know the health care team members and how they like to work.
- ii. Be persistent, keep trying to reach doctors to ask your questions and raise concerns. The squeaky wheel gets the grease.
- iii. Keep searching for a better option when a recommended treatment will dramatically lower your loved one's quality of life. Joyce Gordon story, page 143.
- iv. Become a valuable player on the health care team, based on our unique understanding of the patient and their wishes, and by working collaboratively as a team member.

#### **c) Advocates can accomplish more with honey than vinegar.**

- i. A pleasant demeanour makes people want to be nice to us.
- ii. Communicate in a constructive and respectful manner.
- iii. Make realistic requests, based on an understanding of the other's point of view.
- iv. Try to raise justifiable concerns, not our feelings of stress and worry.
- v. Show gratitude for demonstrated initiative and dedication.

**Chris - Mary, who are our initial project supporters?**

Mary – We wish to acknowledge that this project is funded in part by the government of Canada’s New Horizons for Seniors Program. Our other initial supporters include Care Connect, The Care Guide, The Healing Cycle Foundation and Scotiatrust. Caregiving Matters is an internet based registered Canadian Charity dedicated to educating and supporting family caregivers. 90% of our work is done online and by leveraging technologies. 10% is done by producing local educational events. We leverage technologies in everything that we do ensuring greater reach and sustainability. I trust that we have given some of the highlights of our exciting new initiative. If you are interested in speaking with me about the project, please let me know. We look forward to your questions and your ideas.

**Chris - Mary, if listeners have questions, what is the best way for them to contact us?**

Mary Bart- You can contact me directly Mary Bart, Chair of Caregiving Matters at 905-939-2931. My email is [mary@caregivingmatters.ca](mailto:mary@caregivingmatters.ca) and our website is [www.caregivingmatters.ca](http://www.caregivingmatters.ca)