

Making Decisions at the End of Life

Moral Principles

- Decisions regarding the medical care of gravely ill person have great moral significance. They require us to face the reality of suffering and death, in the light of faith, confident in the redemptive power of our suffering united to the Cross of Christ, with the sure hope of the resurrection.
- No matter how grave a patient's ailment or incapacity, they always remain a person, made in the image and likeness of God, and precious in his sight. It is always wrong to deliberately cause the death of an innocent person, either by our direct actions or by failing to perform a duty.
- The fundamental distinction that should be borne in mind is whether medical treatment is "ordinary", which is morally obligatory, or "extraordinary", which is morally optional and can be declined.
- What are "extraordinary" treatments? According to the Catechism of the Catholic Church, they are "medical procedures that are excessively burdensome, dangerous, or disproportionate to the expected outcome". If you decline such treatments, you are not causing death. Instead, you are refusing "over-zealous" treatment and acknowledging the inevitability of death. (Catechism, no. 2278)
- Even if death is imminent, we must always provide the ordinary care owed to a sick person -- nutrition, hydration, cleanliness, warmth, etc. Death from an underlying cause, such as cancer, must at some point be accepted, but a person should never die from starvation or dehydration.
- On this subject, Pope John Paul II has said, "I should like particularly to underline how the administration of water and food, even when provided by artificial means, always represents a natural means of preserving life, not a medical act. Its use, furthermore, should be considered, in principle, ordinary and proportionate, and as such morally obligatory..."
- Ordinary care would also include providing a sick person with painkillers, even at the risk of shortening their life. In this case, death is not willed as either an end or a means. (Catechism 2279)

"Living Wills"

- Much is heard about "living wills" -- a specific instruction on a particular course of medical treatment, usually with regard to life-sustaining treatment. They are also known as "advance directives".
- There are many problems with "living wills". They are inflexible, and tie the hands of your doctors and loved ones. Because it's impossible to foresee your exact medical situation, they are inherently vague and can be confusing to doctors. Most "living will" forms that are generally available are actually "refuse treatment" forms that create a presumption in favor of death.
- For these reasons, we strongly recommend that you avoid a so-called "living will". Instead, we recommend that you appoint a Health Care Proxy.

Health Care Proxies

- Under New York State law, a Health Care Proxy allows you to choose someone you trust to make medical decisions for you, if you can't do it for yourself. It only takes effect if you are incapacitated and it lapses if you recover.
- You should choose someone as your Proxy whom you trust to act in your best interests, according to your moral values. You should give your Proxy specific instructions about your Catholic values, especially about assisted nutrition and hydration. You do not need a lawyer to appoint a Health Care Proxy – all you need is to have two witnesses to your signature. A sample Health Care Proxy form is available on the Family Life/Respect Life Office website, at www.archny.org/flrl/HotTopics.htm.

Family Life/Respect Life Office, Archdiocese of New York, 1011 First Avenue, NY, NY 10022 212-371-1000 www.flrl.org

HEALTH CARE PROXY

I, _____, hereby appoint

_____, _____, _____
(Name) (Address) (Phone)

as my health care agent to make my health care decisions for me, except to the extent that I state otherwise. This health care proxy shall take effect only in the event I become unable to make my own health care decisions. In the event that the person appointed above is unable, unwilling, or unavailable to act as my health care agent, I appoint

_____, _____, _____
(Name) (Address) (Phone)

as my alternate agent until such time as he/she becomes able, willing or available to act as my health care agent.

Those making decisions for me should be guided by the moral teachings of the Catholic Church, and avoid doing anything that is contrary to the teachings of the Church. My agent should direct that the assisted provision of food and hydration, should be provided to me, as long as they are of benefit to me. I do not intend any direct taking of my life, but only that my life not be unreasonably prolonged, when death is imminent.

This proxy shall remain in effect indefinitely, unless I revoke it in writing or I execute a new Health Care Proxy.

Dated: _____

Signature

Address

City, State

Witnesses: The undersigned declare that the person who signed this document is personally known to them, and that he/she appears to be of sound mind and acting of his/her own free will. He/she signed this document in our presence. We are not the persons appointed as agents by this document.

Signature

Signature

Address

Address

City, State

City, State

HOW TO EXECUTE A VALID HEALTH CARE PROXY

Here are instructions on how to use this form to execute a valid health care proxy under the laws of the State of New York:

1. Print your name, address, and telephone number, and print clearly the name, address and telephone number of the person you want to appoint as your health care agent (also known as the “proxy”) and your alternate proxy. Your alternate proxy will only have authority to act if your first choice is not available or cannot serve.
2. Your proxy cannot be an operator, administrator or employee of a hospital in which you are admitted, unless they are related to you. The doctor who is treating you cannot also serve as your proxy.
3. You must sign the proxy form in the presence of two witnesses. The document does not have to be notarized, and you do not need a lawyer.
4. The witnesses must be adults, and cannot be the same people whom you are appointing as your proxy. You need to pick two separate people to be your witnesses.
5. You can give your proxy instructions about the kinds of health care treatments you want, and those you do not want. You do not have to state these instructions in the health care proxy; you can inform your proxy about them orally.
6. Your proxy will not have authority to make decisions about nutrition and hydration unless you tell them your wishes about these measures. You do not have to state your wishes in the health care proxy; you can inform your proxy about them orally, but it’s a better idea to do so in writing.
7. You can revoke your appointment of a proxy by notifying the proxy or your health care provider (orally or in writing), or by executing a new proxy form. Executing this form revokes your previous health care proxies.
8. It is advisable to execute two original health care proxies – one should be kept with your important documents, and the other should be given to your proxy.