

New Health Care Advance Directive for Dementia Patients

Addressing Feeding By Hand

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**A KEY ESTATE
PLANNING GUIDE**

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What Are Health Care Decision Making Documents and Why You Need Them

- You as a patients have the right to refuse medical treatment even if it results in your death (we are not addressing the religious or moral considerations, that is your decision too).
- To make these decisions you must have “capacity” (sufficient cognitive ability under the law).
- You as a patients can create legal documents (advanced directives) so that people you name (agents or surrogates) can make decisions for you when you no longer can do so.
- The document that contains your wishes is often called a “living will.”
- The document that appoints a person to act for you is often called a “health care proxy” or “medical power of attorney.”

Artificial versus Hand Feeding

- In all states you can refuse “artificial” feeding via feeding tubes through your throat (NG Tube) or a stomach tube (PEG).
- But can you refuse hand feeding as well as artificial feeding?
- As of today, no state courts have ruled on this issue. At least one state has pending legislation that might suggest that this is allowable.
- If you have strong feelings on this topic, you should address it in your legal documents.
- If you are a patient, you should discuss this with your primary caregiver, physician and attorney.
- If you are a caregiver to a loved one who has strong feelings about these issues, they should address them as well.

What If Your Advanced Directive Says No Natural Feeding?

- If you have signed a supplemental advanced directive saying you would not even want artificial or natural feeding if you have limited cognition, can your agent override that decision?
- Example: You have no memory, no judgment and don't recognize your family but you seem happy. If someone puts a spoon to your mouth the natural reflexes would have you eat. So, what should be done? Should the advanced directive you signed saying no natural feeding be respected?
- Some form advanced directives permit assisted hand feeding if and when you may seem to get pleasure out of it and show signs of enjoyment or anticipation?
- Should attempts at oral feeding stop if you no longer seeming to gain pleasure from it or fight it?
- Should you instead of prohibiting feeding give your agent discretion as to hand feeding?

Additional information

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