

# Will to Live

*A will to live protects you and your family when the capacity to speak is lost.*

## The Need for a Will to Live

Hospitals and nursing homes across the country routinely deny food and fluids to incapacitated patients who cannot speak for themselves. For over a decade, the law regarding the use of nutrition and hydration has been largely settled (established by numerous court decisions and statutes). If someone who is now incompetent to make health care decisions has left no clear instructions in a legal document (variously called an "advance directive," "durable power of attorney for health care," or "living will"), then a surrogate decision-maker can legally decide to stop that patient's nutrition and hydration.

As a general principle, nutrition and hydration should almost never be considered extraordinary care; any ill person should be fed and given water. Nutrition and hydration are fundamental necessities for comfort care due all persons and should not be considered extraordinary treatment. (For more information on nutrition and hydration, visit [www.TexasRightToLife.com/outreach](http://www.TexasRightToLife.com/outreach).)

## Will to Live vs. Living Will

In addition to an estate will, a living will is even more important. Many people who do not want medical technology to prolong their last days may sign a living will. However, you should be concerned that the terminology used is not specific



enough. *Webster's Dictionary* defines "terminal" as "of or in the final stages of a fatal diseases." However, doctors and hospitals arbitrarily decide that a patient is terminal when that patient simply needs rehabilitative care and medicine; sadly, you are deemed terminal even if your life could be saved by medical treatment, so long as you would still have a permanent disability of some kind.

## Life Link

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### A Will to Live

- Names someone "health care agent" to safeguard your life when you cannot speak for yourself;
- Names backup agents if your first choice cannot serve;
- Describes the treatment you do and do not want in order to guide your health care agent and physicians;
- Protects your family and health care agent from pressure from health care providers and others by allowing them to prove what you really want;
- Relieves the agony of decision making for them by making your wishes clear;
- Should be written along with an accompanying medical power of attorney.

For example, one widely used Living Will declaration states, "If I should be in an incurable or irreversible mental or physical condition with no reasonable expectation of recovery, I direct my attending physician to withhold or withdraw treatment that merely prolongs my dying." This is an extremely broad statement. Technically, if you have a permanent limp or even blindness in one eye, you could have an irreversible physical condition. Also, this statement offers no time frame for recovery. Legally, every life-saving medical treatment prolongs dying.

Furthermore, the classification of persistent vegetative state (PVS) is often used to justify withdrawal of nutrition and hydration or other life-saving medical treatments. Thus, this diagnosis should be seriously questioned. Patients (such as Terri Schiavo) are routinely labeled as PVS due to some incapacity or disability, but an accurate PVS diagnosis is difficult to make, because many patients have only some impaired faculties, while other mental and bodily functions are fully operational. Also important to note is the fact that countless patients have emerged from so-called PVS after years and even decades.

If you do not want medical technology to prolong your last hours but also do not want to be starved or dehydrated or allowed to die just because you have a disability, **the medical community will be far more likely to respect your wishes if you sign a properly prepared Will to Live than if you sign a living will.** Like any legal document, you should consult a lawyer to ensure that you completely understand the legal implications of your requests. Please also consult the National Right to Life website.

This information has been provided by the Texas Right to Life Educational Fund. For more information, contact us at the following address:



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**For more information on preparing your will to live, visit National Right to Life on the web at [www.nrlc.org](http://www.nrlc.org).**