

1991

# Health Care Proxies, Powers of Attorney, and Living Wills: Making Health Care Decisions: A Satellite Program

David P. Callahan

Peter J. Strauss  
*New York Law School*

Follow this and additional works at: [https://digitalcommons.nyls.edu/fac\\_books](https://digitalcommons.nyls.edu/fac_books)

---

## Recommended Citation

Callahan, David P. and Strauss, Peter J., "Health Care Proxies, Powers of Attorney, and Living Wills: Making Health Care Decisions: A Satellite Program" (1991). *Books*. 100.  
[https://digitalcommons.nyls.edu/fac\\_books/100](https://digitalcommons.nyls.edu/fac_books/100)

This Article is brought to you for free and open access by the Faculty Scholarship at DigitalCommons@NYLS. It has been accepted for inclusion in Books by an authorized administrator of DigitalCommons@NYLS.

TAX LAW AND ESTATE PLANNING SERIES  
Estate Planning and Administration  
Course Handbook Series  
Number 208

# Health Care Proxies, Powers of Attorney, and Living Wills

*Making Health Care Decisions*  
A Satellite Program

*Co-Chairmen*  
David P. Callahan  
Peter J. Strauss

D4-5224  
Practising Law Institute

CONTENTS

1.	Significant Issues in Health Care Decision Making.....	9
	Dale L. Moore	
2.	Deciding in Advance: Facilitating Your Client's Health Care Goals.....	27
	Tracy E. Miller	
A.	Health Care Proxy Proposed Legislation.....	37
B.	Sample Health Care Proxy.....	45
3.	Drafting Strategies: Some Guidelines for the Practitioner.....	49
	Peter J. Strauss Fink Weinberger	
A.	Health Care Declaration.....	53
B.	Health Care Declaration and Proxy.....	55
4.	Evaluating and Litigating a 'Right to Die' Case.....	61
	David A. Smith	

APPENDIXES

**Materials Submitted by the Society for the Right to Die**

A.	State Law Governing Living Wills/Declarations and Appointment of a Health Care Agent.....	
----	--	--

x.	Florida.....	165
xi.	Georgia.....	169
xii.	Hawaii.....	179
xiii.	Idaho.....	185
xiv.	Illinois.....	193
xv.	Iowa.....	199
xvi.	Kansas.....	207
xvii.	Kentucky.....	213
xviii.	Maine.....	221
xix.	Maryland.....	227
xx.	Massachusetts.....	233
xxi.	Michigan.....	239
xxii.	Minnesota.....	243
xxiii.	Mississippi.....	247
xxiv.	Missouri.....	251
xxv.	Montana.....	257
xxvi.	New Hampshire.....	263
xxvii.	New Mexico.....	271
xxviii.	New York.....	275
xxix.	North Dakota.....	285
xxx.	Oklahoma.....	295
xxxi.	Oregon.....	301
xxxii.	Rhode Island.....	307
xxxiii.	South Carolina.....	319
xxxiv.	South Dakota.....	327
xxxv.	Tennessee.....	335
xxxvi.	Texas.....	343
xxxvii.	Utah.....	351
xxxviii.	Vermont.....	357
xxxix.	Virginia.....	365
xl.	Washington.....	369
xli.	West Virginia.....	373
xlii.	Wisconsin.....	379
xliii.	Wyoming.....	385

Program Schedule and Faculty.....	391
-----------------------------------	-----

JLS

B.	Right to Die Cases and Statutory Citations --State-by-State Listings.....	75
C.	Miscellaneous Cases:	
i.	<u>In re Quinlan</u> ..... 70 N.J. 10 355 A.2d 647	87
ii.	<u>In re Westchester County Medical Center</u> ..... 72 N.Y.2d 517 534 N.Y.S.2d 886	89
iii.	<u>In re Guardianship of Browning</u> ..... No. 74,134 September 13, 1990	93
iv.	<u>In re Conservatorship of Drabick</u> ..... 200 Cal. App. 3d 185 245 Cal. Rptr. 840 (Cal. July 28, 1988)	97
v.	<u>Bouvia v. Superior Court (Glenchur)</u> ..... 179 Cal. App. 3d 1127 225 Cal. Rptr. 297 (Cal. June 5, 1986)	101
vi.	<u>In re Estate of Longeway</u> ..... No. 67418 (Ill. Sup. Ct. November 11, 1989)	105
vii.	<u>Cruzan v. Director, Missouri Department of Health, et al.</u> ..... 497 U.S. ____, 111 L.Ed. 2d 224 100 S.Ct. 2841 (1990)	109
D.	State Living Will Declarations:	
i.	Alabama.....	115
ii.	Alaska.....	119
iii.	Arizona.....	123
iv.	Arkansas.....	129
v.	California.....	135
vi.	Colorado.....	143
vii.	Connecticut.....	147
viii.	Delaware.....	153
ix.	District of Columbia.....	157

3

DRAFTING STRATEGIES: SOME GUIDELINES  
FOR THE PRACTITIONER

Peter J. Strauss  
Fink Weinberger

September 30, 1991