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INSTRUCTIONS REGARDING YOUR HEALTH SURROGATE DESIGNATION AND LIVING WILL PROVIDED TO YOU BY MY OFFICE

1. **Living Will.** Your “living will” is a formally witnessed statement that life prolonging procedures be withheld or withdrawn after your attending physician and another consulting physician have determined that there is no reasonable medical probability of recovery from your medical, terminal, end-state or vegetative state condition. In your living will provided to you by me, your designee is empowered to carry out your wishes in their discretion: that means that just because it has been determined by your doctors that life support may be withdrawn, your designee will have it in their discretionary power to determine when and if each of the enumerated types of life prolonging procedures shall be withheld or withdrawn, based upon your wishes and their personal assessment of the situation. This discretionary power given to your designee differs dramatically from the conventional “advance directive” which gives the discretion to the treating medical personnel, and takes control away from those you have named to make decisions on your behalf.

I recommend that when asked for an “advance directive” by your health care providers, that you only provide the Designation of Health Care Surrogate (below) to your physician(s), and upon admission to the hospital, and advise your surrogate to only produce the Living Will if, and after, a determination has been made by your treating physicians that it is appropriate to consider terminating life prolonging procedures.

2. **Designation of Healthcare Surrogate.** Your “healthcare surrogate designation” is a formally witnessed statement designating and authorizing an individual to make healthcare decisions for you if you are incapable of doing so yourself. You may not be in danger of death wherein the Living Will would come into effect, but temporarily unable to make informed decisions relative to medical, surgical or diagnostic procedures.

This document also allows your designee to authorize persons unrelated by blood or marriage to have the same access to you as family under President Obama’s administrative ruling regarding Support Persons (referred to in your health care surrogate designation.) The health care surrogate designation provides your surrogate access to your medical records under the HIPPA legislation, and provides additional rights and powers as set forth in particularity in the document.

It is advised that you read the document carefully and, make sure your surrogates do so as well, so that you and they may be able to assert their rights conferred by the document in a health care setting. You and they cannot rely upon hospital personnel to understand or to know the rights conveyed by your health surrogate designation as it provides substantially more rights than the more conventional and limited “advance directives” often provided to patients. It is your surrogate’s task to know and assert the rights conveyed by the document. In the event that your surrogates are unrelated by blood or marriage, the health surrogate designation also provides your written, legal authorization for your surrogate(s) to dispose of your remains upon death. Without such properly witnessed and notarized authorization, those unrelated to you by blood or marriage have no right to bury or cremate you, or to provide for funeral arrangements.