

INCOMING

BY BEN KINIRY, ESQ.

Have you nominated an agent under a Durable Power of Attorney for Health Care yet? What are you waiting for? Is something holding you back? Need more information?

Following is a writing that does a great job of explaining the law in this area. The writing is in fact written within the applicable New Hampshire Statute R.S.A. 137-J:19, Durable Power of Attorney; Disclosure Statement (if you can't sleep at night, you should read the entire Statute). The purpose of the "Statement" is to show that the person signing the document understands the nature of power being given to the agent.

The following is, in large part, the language of the Statement, with my comments placed in brackets [like this](brackets (like this) containing comments are part of the language of the Statute). Some of the statement has been omitted.

Beginning of Statement: "Except if you say otherwise in the directive, this directive gives the person you name as your health care agent the power to make any and all health care decisions for you when you lack the capacity to make health care decisions for yourself (in other words, you no longer have the ability to understand and appreciate generally the nature and consequences of a health care decision, including the significant benefits and harms of and reasonable alter-



natives to any proposed health care). "Health care" means any treatment, service or procedure to maintain, diagnose or treat your physical or mental condition. Your health care agent, therefore, will have the power to make a wide range of health care decisions for you. Your health care agent may consent (in other words, give permission), refuse to consent, or withdraw consent to medical treatment, and may make decisions about withdrawing or withholding life-sustaining treatment. Your health care agent cannot consent to or direct any of the following: commitment to a state institution, sterilization, or termination of treatment if you are pregnant and if the withdrawal of that treatment is deemed likely to terminate the pregnancy, unless the treatment will be physically harmful to you or prolong severe pain which cannot be alleviated by medication.

"You may state in this directive any treatment you do not want, or any treatment you want to be sure you receive. Your



health care agent's power will begin when your doctor certifies that you lack the capacity to make health care decisions (in other words, that you are not able to make health care decisions). If for moral or religious reasons you do not want to be treated by a doctor or to be examined by a doctor to certify that you lack capacity, you must say so in the directive and you must name someone who can certify your lack of capacity. That person cannot be your health care agent or alternate health care agent or any person who is not eligible to be your health care agent. You may attach additional pages to the document if you need more space to complete your statement.

"If you want to give your health care agent power to withhold or withdraw medically administered nutrition and hydration, you must say so in your directive. Otherwise, your health care agent will not be able to direct that. Under no conditions will your health care agent be able to direct the withholding of

food and drink that you are able to eat and drink normally.

"Your agent shall be directed by your written instructions in this document when making decisions on your behalf, and as further guided by your medical condition or prognosis. Unless you state otherwise in the directive, your agent will have the same power to make decisions about your health care as you would have made, if those decisions by your health care agent are made consistent with state law.

"It is important that you discuss this directive with your doctor or other health care providers before you sign it, to make sure that you understand the nature and range of decisions which could be made for you by your health care agent. If you do not have a health care provider, you should talk with someone else who is knowledgeable about these issues and can answer your questions. Check with your community hospital or hospice for trained staff. You do not need a lawyer's assistance to complete this directive, but if there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.

"The person you choose as your health care agent should be someone you know and trust [yes, the statute is suggesting that you know and trust the person you appoint], and he or she must be at least 18 years old. [remainder of this paragraph omitted]

"You should consider choosing an alternate health care agent, in case your health care agent is unwilling, unable, unavailable or not eligible to act as your health care agent. Any alternate health care agent you choose will then have the same authority to make health care decisions for you [people often name someone in the next generation and believe that is good enough, however, even younger people have accidents, health issues and die.

Keno is Here !

I-89
Bow



KENO
603



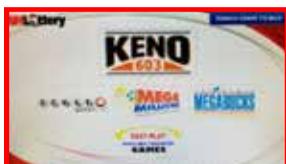
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(Con't. on pg. 21)

BOW POLICE LOG

Bow Police SEPTEMBER 2018 Arrest Log

- 09/03** An adult was taken into protective custody for an involuntary emergency admission
- 09/05** Heidi L. Holt, 36, Franklin, was arrested for unofficial inspection/registration decal, and misuse of plates
- 09/06** Eric A. Butterfield, 36, Turner, ME received a summons for driving after revocation/suspension
- 09/07** Daniel Silva, 18, Bow, was arrested for unlawful possession/intoxication
- 09/08** Jesse J. McCarthy, 22, Concord, was arrested for driving after revocation/suspension; subsequent offense, and suspended registrations
- 09/09** Karl W. Loyd, 51, Earth City, MO, was arrested as a fugitive from justice
- 09/10** Felicia A. Robinson, 18, Manchester, received a summons for driving after revocation/suspension
- 09/12** Virginia Gilpatrick, 36, Concord, was arrested for misuse of plates and three bench warrants for: conduct after an accident, misuse of plates, and uninspected vehicle
- 09/14** An adult was taken into protective custody for an involuntary emergency admission
- 09/15** Tyler Osgood, 30, Belmont, was arrested on two warrants for failure to appear, and unauthorized use of a motor vehicle
- 09/16** Kirby R. Adams, 30, Nashua, was arrested on a bench warrant for driving after revocation/suspension Joseph D. McCormick, 27, Concord, was arrested for driving after revocation/suspension-; subsequent offense
- 09/18** Andrew C. Soboleski, 26, Concord, received a summons for operating without a valid license
- 09/19** Two juveniles received summonses for possession/use of tobacco products by a minor 09/20 Clyde M. McConnell, 34, Chichester, was indicted for forgery, theft by unauthorized taking, and driving after revocation/suspension
- 09/22** Jonnathan M. Zhispon Guailacela, 22, Lowell, MA received a summons for operating without a valid license
- 09/23** Michael P. Wing, 56, no fixed address, was arrested for criminal trespass, loitering/prowling, use/possession of slugs, and breach of bail
- 09/25** Patrick Connolly, 17, Hooksett, was arrested for disobeying an officer, and reckless driving. An adult was taken into protective custody for an involuntary emergency admission
- 09/27** An adult received a summons for possession of marijuana
- 09/30** Virginia Gilpatrick, 36, Concord, was arrested for receiving stolen property George Owen, 45, Derry, was arrested for robbery, simple assault; domestic violence, and theft of a motor vehicle with a weapon.

(Durable Power of Attorney cont'd. from pg. 18)

“You should tell the person you choose that you want him or her to be your health care agent. You should talk about this directive with your health care agent [this should go without saying, however, you would be surprised how many people don’t] and your doctor or advanced practice registered nurse and give each one a signed copy [medical providers are happy to retain a copy of your medical directives in your file]. You should write on the directive itself the people and institutions who will have signed copies. Your health care agent will not be liable for health care decisions made in good faith on your behalf [your agent will want to read this].

“Even after you have signed this directive, you have the right to make health care decision for yourself as long as you are able to do so, and treatment cannot be given to you or stopped over your clear objection. You have the right to revoke the power given to your health care agent by telling him or her, or by telling your health care provider, orally or in writing, that you no longer want that person to be your health care agent [these last two points are worth repeating as I receive many questions from clients in regards to “giving up their rights” when they create this power and knowing you can verbally terminate the power in the 11th hour may be comforting to some].”

I hope you found this information enlightening and you are now considering creating your own Durable Power of Attorney for Health Care. In closing I’ll leave you with this: of all the important decisions you make in your life, serious health care decisions rank at the top and if you are incapacitated, I ask, don’t you want someone who loves you to have the authority to make sure your doctors provide you with the very best care?

ROY BAILEY RECOGNIZED BY SCHOOL DISTRICT

IT Director Roy Bailey was recently honored for 25 years of service to the schools. Bow thanks him for his dedication to education.



Dept. Public Works Scarecrow
Eric Anderson photo



The Town Office Scarecrow
Eric Anderson photo

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