



Fourth of July Talks and Toasts

By: Bill Colby, JD



This July 4th we will raise a toast to Betty Colby, our fourth Independence Day without the family matriarch. Born July 4, 1921, this year would have been her 88th birthday. We'll laugh, cry, and remember, as families do. And we may talk about how Mom died, too.

I have worked on questions of dying and the law since 1987, when as a young lawyer I represented the family of Nancy Cruzan in the first right-to-die case to reach the Supreme Court. If anyone's family could easily have "the talk," you'd think it would be mine. I wish.

Years ago I came home for the holidays armed with blank healthcare power-of-attorney forms, and a plan. My mother, then in her late-70s, said, "I don't want to talk about this stuff, you know what I want." When I told her we had no idea, she said, "You'll figure it out when the time comes."

My sisters and I talked about Nancy Cruzan and then a neighbor with Alzheimer's. I said that if I get that horrific disease, I want treatment stopped sooner rather than later. No antibiotics for infection, no feeding tube. The purpose of medical treatment, for me, is to serve as a bridge to recovery, to living life. When it cannot, then that treatment makes no sense and I want it stopped.

Our conversation ended, and while we hadn't drawn Mom in, she'd listened. "You don't seem that worried," I said. "But what if you lapse into a coma, and word leaks out that the Cruzan lawyer did not have his own mother's affairs in order? Do you want your last act on earth to be embarrassing me?" She snatched the form and wrote me down as her decision-maker. We talked briefly about her wishes, then she handed me the paper and our talk was over.

These family conversations are becoming more common in our graying society. The largest category of deaths in this country is the frail elderly, about one million annually. Most happen in institutions, and most as the result of some

decision. The idea of letting Nature take its course has fallen by the medical-technological wayside. With Baby Boomers growing older and medical technology advancing mind-numbingly fast, the need for family conversations about dying is becoming increasingly important.

That's actually good news, because talking about dying improves how we die. Medical studies show that patients who have "the talk" with their families, and doctors, end up with fewer unwanted ER and ICU visits in their final months. Often they choose home care and hospice instead. Surprising to many, patients live about as long whether in the ICU or at home with hospice. What is not surprising is that patients report higher satisfaction with the less technological path.

And a clear side benefit is that this care costs less. A Duke University study concluded that hospice care reduces Medicare costs by \$2,309 per patient. But it's not about the money. Talking about our views on dying protects, comforts, and empowers those we love.

Which brings me back to Mom.

In October of 2005, my 84 year-old mother checked into a small-town hospital with a high fever and stomach pain. The doctor diagnosed diverticulitis, which did not respond to IV antibiotics. A middle-aged surgeon came into Mom's room and sat down, solemn-faced. "Viola," (no one but my dad ever called her that), "we need to do surgery, this infection has made you a sick little lady." Mom looked at him, paused, and appeared to make a decision she'd been considering for awhile.

"Doctor," she said, "I don't know if you checked, but I wasn't in very good shape before this thing." Then she laughed. It was perhaps the most decisive choice I ever saw my mother make. She gently resisted the doctor's push for surgery, and held his hand to ease his discomfort.

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I had Mom's signed DPOA form in my pocket, but never had to pull it out – she made her decisions. We watched the White Sox play World Series games; we had a quiet party; we said I love you and goodbye – and Mom exited this world, pain free, holding the hands of those she loved.

My mother's story is a good place for your own family to begin. Whatever decisions you make, what matters is that you talk.

So glasses up! To Betty Colby. And a festive and safe Fourth of July to all.

Bill Colby is the General Counsel for Truman Medical Centers in Kansas City, and the author of Unplugged: Reclaiming Our Right to Die in America. You can reach him at Bill.Colby@tmcmed.org.