

Planning for Death

This is an adapted excerpt from the Handbook for Washington Seniors: Legal Rights and Resources. Visit www.legalvoice.org/seniors to buy a print copy or download for free.



Preparing in advance for the end of your life can be very helpful for your family members and can help make sure that your wishes are carried out. Your preparation should include gathering updated personal information and important documents in one place, and writing a “Letter of Instruction” or “Final Instructions” letter, which you should give to a family member or friend. This letter can list your after-death plans, including naming someone to be your “Designated Agent” to carry out your plans, and sharing the location of your important documents. Be sure to discuss your plans with family or friends closest to you, so they will understand all of your instructions. For more information, see the People's Memorial Association, listed in the Resources at the end of this publication, and the Legal Voice publication *Life and Death Planning – A Checklist*, also listed in Resources.

Funerals, Burial, and Organ Donation

What Funeral Plans Should I Consider Making?

There are a number of decisions you can make when you are preplanning your funeral. For example, you can decide if you want a funeral or memorial service; write your own obituary; choose the flowers, the music, the readings, and other personal touches; decide if you want to be buried or cremated; and choose your final resting place. Planning in advance lets you compare funeral services and prices, and helps ease the burden on your family and friends.

The federal government and State of Washington have laws that funeral service providers must follow. For example, itemized price information must be given over the telephone, and if you meet in person, prices must be confirmed in writing upon request. Also, you do not have to purchase a package that includes items you do not want (such as a casket or a memorial service). This "Funeral Rule" is enforced by the Federal Trade Commission. For more information, see the listings under “Funerals and Planning” in Resources at the end of this publication.

If you are a Washington State resident, you can sign a "Disposition Authorization" form to legally choose burial or cremation, and a "Designated Agent" form to name the person you want to carry out your after-death plans. You must sign these documents in front of a witness. You can get these forms from the People's Memorial Association or End of Life Washington (listed under Resources), or your lawyer can prepare the necessary documents. If you do not complete these forms, Washington state law allows a surviving spouse or

state registered domestic partner to make these after-death decisions for you. If you do not have a surviving spouse or state registered domestic partner, this responsibility then goes to your adult children, then parents, then siblings. For more information, see the “Funerals, Burials, and Cremation” section of the Dealing with Death chapter in the *Handbook for Washington Seniors* (see Resources).

Note: If your spouse is your agent and you divorce, he or she will automatically no longer be your agent unless special arrangements are made. See the “Divorce” section of the Family Relationships chapter in the *Handbook for Washington Seniors* (see Resources).

If you are a veteran or veteran’s family member, you may be eligible for free burial, burial in a veteran’s cemetery, and other benefits. You can preregister and get more information at the Washington State Department of Veterans Affairs office. See the listings under “Veteran's Burial and Benefits” in Resources.

Be sure you explain all of your after-death plans to your family or close friends. One way is by writing a “Letter of Instruction” or “Final Instructions” letter. You could also choose a funeral home and pre-plan all the details of your funeral or memorial. Or, you could become a member of a nonprofit memorial society, which can help with many of these types of pre-planning issues.

You do not need to pay in advance for your after-death plans, though it is wise to have enough money set aside to pay for the type of services you want. If you qualify for Medicaid, Washington State allows you to set aside \$1,500 for a burial, which should be in a separate bank account called a “Pay on Death” account. After your death, this money will be given to the person you have chosen to take care of your after-death arrangements. Also, a Washington State Funeral Directors Association program called the Washington Master Trust helps with prepaid burial plans. Ask the planning counselor at your chosen funeral home for more information.

How Do I Donate My Organs and Tissue?

Anyone can be a donor regardless of age, race, or medical history. Register with Washington State when you renew your driver’s license or identity card. You can also register by phone or on the Internet. A red heart symbol will show on your card that you are an organ and/or tissue donor. Be sure to tell your family and doctor that you are an organ/tissue donor, and also include this important information in your letter of Final Instructions. See the listings under “Organ and Tissue Donation” in Resources.

Death with Dignity Act

What Is the “Death with Dignity Act”?

The Washington Death with Dignity Act allows a “qualified” terminally ill adult who wants the option to end his or her life to request life-ending medication from a medical doctor in Washington. “Terminally ill” means you have less than six months to live.

Who Can Request this Medication?

To be a qualified patient, you must be a mentally competent adult and a Washington state resident. You must be diagnosed by two medical doctors (usually your primary care or “attending” doctor, and a second “consulting” doctor) to have less than six months to live. Finally, you must be able to take the drug yourself, and voluntarily state your wish to die both verbally and in writing.

How Do I Make Requests for the Medication?

If you are a qualified terminally ill patient, you must verbally ask your attending doctor two times before you can receive a prescription for life-ending medication. The second request must be at least 15 days after the first request. Any time after you have seen both the attending and consulting doctors, you must also complete a “Written Request for Medication” form, which must be signed by two witnesses and given to your attending doctor.

After the 15-day waiting period ends, and at least 48 hours has passed since you gave the written request to your attending doctor, your doctor can write the prescription for life-ending medication. For more information on procedures and for the Written Request for Medication form, see listings under “Death with Dignity Act” in Resources at the end of this publication.

Does My Doctor or Pharmacist Have to Participate, or Be with Me, When I Take the Medication?

No, health-care providers are not required to provide prescriptions or medications to qualified patients. They are also not required to be with you when you take the medication. To find a supportive hospital or health system in Washington, see the “Death with Dignity Act (Hospital Policies)” link listed under “End of Life Washington” in Resources at the end of this publication.

Who Should I Tell About My Decision?

That is a very personal choice. Your doctor does not have to tell anyone about your decision. However, your doctor must recommend that you tell your family and friends. For issues to consider, see the publication *Talking to Your Family About Dying*, by End of Life Washington under “Death With Dignity Act” in Resources at the end of this publication.

Will My Life Insurance or Annuity Policy Be Void?

No, the Death with Dignity Act states that if you are a qualified terminally ill patient and you take life-ending medication, it will not affect your life insurance, health insurance, accident insurance or annuity policy.

What Else Should I Know About the Death with Dignity Act?

Finding two doctors who are willing to participate can be difficult, especially if you live in Central or Eastern Washington. The process usually takes from four to six weeks after you have received the diagnosis of terminal illness from two doctors.

Resources

- *Handbook for Washington Seniors: Legal Rights and Resources*, by Legal Voice: Covers a wide range of legal issues affecting seniors and their families and caregivers (available in English and Spanish). “Planning for Death,” as well as the two related Legal Voice publications listed below, and the “Planning for the Future” chapter listed under “Communicating Your Wishes,” are excerpts from the *Handbook*. Available online for free and in print for \$20 (includes shipping).
By phone: 206-682-9552 x114
Email: info@legalvoice.org
Online: www.legalvoice.org/seniors
- Also from Legal Voice:
Online: www.legalvoice.org/tools-estate-planning
 - *Life and Death Planning – A Checklist*
 - *After a Death Occurs – A Checklist* (available in English, Russian, and Spanish)

Communicating Your Wishes

- *Begin the Conversation*: Offers conversation tips and tools to help you create your advance care directives. Publications listed below are linked at the bottom of the page.
Online: www.begintheconversation.org/resources/
 - *BTC Toolkit*
 - *BTC Workbook*
- *The Conversation Project*: Tools to help people think and talk about their wishes for end-of-life care.
Online: <http://theconversationproject.org/starter-kit/intro/>
- *People's Memorial Association (PMA)*: A nonprofit organization providing education and consumer information about cremation and burial, organ donation, and low-income programs.
By phone: 1-866-325-0489
Online: www.peoplesmemorial.org/resources/funeral_education/planning_info.html
- “Planning for the Future”, a chapter of the *Handbook for Washington Seniors*, by Legal Voice: Covers estate planning, advanced directives, Powers of Attorney, and guardianship. See *Handbook* listing, above.

Death with Dignity Act

- *End of Life Washington*: Offers these resources and many more.
By phone: 1-877-222-2816
Online: www.endoflifewa.org/documents/

- *An Overview of the Washington Death With Dignity Act*, under “Death With Dignity Act”
 - *Death with Dignity Act (Hospital Policies)*, under “Quick Links” at right
 - *Talking to Your Family About Dying*, under “Advance Planning”
 - Written Request Form and Instructions (this is a link to the form *Written Request for Medication to End My Life in a Humane and Dignified Manner*), under “Death With Dignity Act”
- Washington State Department of Health (DOH) website: Includes information about the law, links to forms, and frequently asked questions.
By phone: 1-800-525-0127
Online: www.doh.wa.gov/dwda

Funerals and Planning

- End of Life Washington: Offers these resources and many more.
By phone: 1-877-222-2816
Online: www.endoflifewa.org/documents/
 - *Designated Agent for Funeral Arrangements*
 - *Disposition Authorization*
 - *Letter to My Physician*
- Federal Trade Commission (FTC) publications:
By phone: 1-877-382-4357
Online: www.consumer.ftc.gov/blog/planning-funeral-know-your-rights
 - *Paying Final Respects: Your Rights When Buying Funeral Goods and Services*
 - *Shopping for Funeral Services*
- Honor My Wishes: Body Disposition Authorization and Advance Directives forms.
See also their *Guidebook*, linked at the top of the page.
Online: www.honormywishes.org/legal-documents/
- People's Memorial Association (PMA): A nonprofit organization providing education and consumer information about cremation and burial, organ donation, and low-income programs.
By phone: 1-866-325-0489
Online: www.peoplesmemorial.org

Individuals with Serious Illnesses

- *Handbook for Mortals: Guidance for People Facing Serious Illness* (2nd Ed., Oxford Univ. Press, 2011) by Joanne Lynn, Joan Harrold, and Janice Lynch Schuster: A comprehensive and readable 320-page guide to dealing with serious, eventually fatal illness. See chapter 10, “Planning Ahead.” Find on Amazon, Barnes & Noble, or in book stores.

Organ and Tissue Donation

- Life Center NW Organ Donor Program: Organ donation information and registration (a.k.a. Donate Life Today).
By phone: 1-877-275-5269
Online: www.lcnw.org
- Washington State Department of Licensing (DOL): Tell the DOL that you want to be a donor when you apply for your driver's license, instruction permit, or identification card.
Online: www.dol.wa.gov/driverslicense/organdonor.html

Veterans' Burial and Benefits

- U.S. Department of Veterans Affairs: Information for veterans about burial and memorial benefits.
By phone: 1-800-827-1000
Online: www.cem.va.gov
- WA State Department of Veterans Affairs (WDVA): Information about Washington State Cemetery for Veterans, preregistration and interment forms. For information by county, go to the website and click on "Main Menu" at upper left, then "Benefits," then "County Services Map," then click on your county.
By phone: 1-800-562-2308
Online: www.dva.wa.gov

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of January 2016.

Resources updated April 2018.

© 2018 Legal Voice — 1-206-682-9552

**(Permission for copying and distribution granted to the Alliance for Equal Justice
and to individuals for non-commercial purposes only.)**