

Montana Rights of the Terminally III



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Montana Rights of the Terminally III



• **MontGuide
199202**

Effective



- **April 18, 1991**
- **Prior Law
Termed**
 - **Living Will Act**
 - **Oct. 1, 1985**

Montana law

- **Allows an individual who is of sound mind to write a declaration**



Declaration

- **Governs withholding or withdrawing of life-sustaining treatment when a person is in a terminal condition**



Declaration Requirements

- Age 18 or Older
- Sound Mind



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Declaration

- Signed by
 - Declarant
 - Two witnesses



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Declaration

- Does not have to be notarized



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Becomes Operative

- 1. Attending physician determines that you are in a *terminal condition* and...**



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Becomes operative

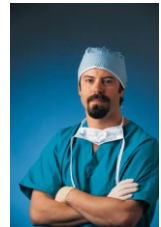
- 2. You are no longer able to make decisions about the administration of *life-sustaining treatment***



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Attending Physician

- Selected by or assigned to patient who has primary responsibility for the treatment & care of patient



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Life-sustaining Treatment

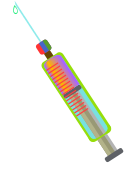


- Any medical procedure or interventions which, when administered to a qualified patient, will serve only to prolong the dying process

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Terminal Condition

- Incurable or irreversible condition that, without administration of life-sustaining treatment, will, in the opinion of the attending physician, result in death within a relatively short time.



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Qualified patient

- Who has written declaration according to MT law and.....



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Qualified patient

- Who has been determined by attending physician to be in terminal condition



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What if physician is not willing to comply?

- Inform you
- Transfer care to another physician



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Provide copies to:

- Physician
- Family members



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Giving others consent

- Designee can make decisions for you



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Priority List if no Designee

- Spouse
 - Wife
 - Husband



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Second in line

- Adult Child



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Second in line

- More than one adult child
 - Majority of adult children who are reasonably available for consultation



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Third in Line

- Parents of the declarant



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Fourth in Line

- Adult brother or sister
- If more than one sibling, a majority of adult children who are reasonably available for consultation



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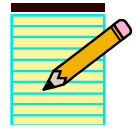
Fifth in Line

- Nearest other adult relative by blood or adoption who is reasonably available for consultation



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Change your mind?



- Revoke declaration
 - Verbally
 - In writing

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Concealing Living Will

- Misdemeanor
 - Fine \$500
 - County Jail 1 yr



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Life Insurance

- Withdrawal of life sustaining treatment does not constitute suicide or homicide



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Example Declaration

- MontGuide 199202
Signature
Date
Witnesses'
Signatures



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Example Designee

- MontGuide 199202
Name of designee
Signature
Witnesses'
Signatures



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Summary: Declaration

- Allows you to terminate medical treatment should you have incurable & irreversible condition that would lead to death without treatment



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Reviewers



- Business, Estates, Tax, Trusts, & Real Property Law Section
 - State Bar of Montana

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Reviewers

- MSU College of Nursing
- Montana Department of Public Health & Human Services

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Reviewers

- Office on Aging
- Montana Nurses Association

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Reviewers

- Montana Legislative Council
 - Legal Services Division



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Montana Rights of the Terminally Ill



QUESTIONS

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