

Preparing the elders early on ACP/LPA

Angie is a feisty 70 year old lady, living alone after her husband passed on. Her only daughter is married and in the States and she has not been home for the last 10 years. Luckily her nieces Betty and Christine are helping to look after her.

Two years ago, Angie had a stroke but had rehabilitated well. Recently, she had a fall while shopping and broke her hip. As she refused to go to a Nursing Home or employ a maid, Betty and Christine did their best to support her; helping with shopping and house chores. Over time, her nieces found that she needed more and more care. Her medical expenses used up all her savings and her nieces were worried they could no longer support her.

What should they do?

The options available include applying to CPF Board to take out Angie's savings or to take advantage of the various options from HDB to "make" Angie's flat finance her medical and personal care. Unfortunately, at this stage, Angie was found to be mentally incompetent and not allowed to make decisions regarding her CPF savings or her flat. Betty regretted not encouraging Angie to make a **Lasting Power of Attorney (LPA)** when it was clear Angie's daughter had abandoned her mother.

What is a Lasting Power of Attorney (LPA)?

The LPA is a legal document which allows a person who is at least 21 years of age ('*donor*'), to voluntarily appoint one or more persons ('*donee(s)*') to make decisions and act on his/her behalf if he/she loses mental capacity one day. A donee can be appointed to act in the two broad areas of personal welfare and property & affairs matters. If Angie had made a LPA, it would have alleviated the stress and difficulties faced by her nieces who now had to pay a lawyer and waited 1 year before the Court granted them a Deputyship order to act on behalf of Angie.

How do you make a LPA?

In Singapore, making an LPA is a simple procedure and detailed information can be found on [msg.gov.sg](https://www.msg.gov.sg). In summary in order to make a LPA, you have to do the following:

1. Choose someone you trust to make decisions (in your best interest) to be your donee.
2. Decide what decision powers you want to grant your donee (s)
3. Go to the **Office of Public Guardian website** (<https://www.msf.gov.sg/opg/Pages/Home.aspx>) and download the LPA form. There are 2 types of LPA forms; Form 1 and Form 2. LPA Form 1 is a standard version that donors use to grant donees general powers with basic restrictions. LPA Form 2 is for donors who wish to grant donees customized powers. (Note that the Annex to Section 4 in the LPA Form 2 has to be drafted by a lawyer)
4. Look for a LPA certificate issuer from the list available (in the Office of Public Guardian website) and make an appointment.

As part of planning for your future personal and medical care, four conversations should be started when you are cognitively still alert. They are:

1. Your last will and testament (legally binding)
2. Lasting Power of Attorney (legally binding)
3. Advanced Medical Directive (legally binding)
4. Advanced Care Planning (non-legally binding)

Advanced Medical Directive (AMD)

An AMD also known as a living will is a legal document you sign in advance to inform your health care providers you do not want any **extraordinary life sustaining treatment** to prolong your life in the event you are **terminally ill** and become **unconscious or incapable** of exercising rational judgement.

“*Extraordinary life-sustaining treatment*” means any medical procedure or measure which, when administered to a terminally ill patient, will only prolong the process of dying when death is imminent. E.g. the use of artificial ventilation.

“*Terminal illness*” as defined in the AMDA is an incurable condition caused by injury or disease from which there is no reasonable prospect of a temporary or permanent recovery. For such a condition, death is imminent even if extraordinary life-sustaining measures were used. The extraordinary life-sustaining measures would only serve to postpone the moment of death for the patient.

Advanced Care Planning (ACP)

ACP is the process in which you communicate your wishes regarding your future medical care to your loved ones. During these conversations, you should share your personal values and beliefs and how these impact your healthcare preferences in different medical circumstances. You should also appoint a Nominated Healthcare Spokesperson (NHS) from within your loved ones. In the event you no longer have the ability to make your own decisions, your NHS will be able to make the best decisions on your behalf while respecting your wishes. In the example of Angie, when her dementia became so advanced that she can no longer get adequate nutrition from oral feeding, Betty did not have to struggle with the decision not to start tube feeding. The frequent conversations they had when Betty and Christine started looking after Angie gave them the assurance that Angie would not want to prolong life when she has no more awareness.

If you prefer, you may also approach your Doctor to facilitate an ACP discussion with your loved ones and formally document your wishes.

Doing an ACP allows you to confront questions on what it means for you to be living well, allows you to reflect and understand yourself better and spare your loved ones from difficult (conflictual) decisions.

The table below summarises the key similarities and differences between the ACP, LPA and AMD:

	ACP	LPA	AMD
What it is	Planning instrument which involves the appointment of NHS. Can be done informally.	Planning instrument in the form of a legal document for the appointment of donee(s).	A legal document that informs the doctor that you do not want to use any life-sustaining treatment to artificially prolong your life.
When it is triggered/ activated	You have lost your mental capacity to make decisions.	You have lost your mental capacity to make decisions.	You are 1. terminally ill, 2. require life-sustaining treatment, and are 3. unconscious or unable to exercise rational judgement.
Nature of process	Non-legal	Legal	Legal
What the decision-making concerns	Health and personal care.	Personal welfare, property/financial affairs.	Healthcare (specifically on the use of life-sustaining treatment).

Note all these documents may be revoked at any time.