

New York Living Will

This Living Will has been prepared to conform to the law in the State of New York, as set forth in the case In re Westchester County Medical Center, 72 NY2d 517 (1988). In that case the Court established the need for "clear and convincing" evidence of a patient's wishes and stated that the "ideal situation is one in which the patient's wishes were expressed in some form of writing, perhaps a 'living will.'"

[PRINT YOUR NAME]

I, _____, being of sound mind, make this statement as a directive to be followed if I become permanently unable to participate in decisions regarding my medical care. These instructions reflect my firm and settled commitment to decline medical treatment under the circumstances indicated below:

I direct my attending physician to withhold or withdraw treatment that merely prolongs my dying, if I should be in an **incurable or irreversible mental or physical condition with no reasonable expectation of recovery.**

These instructions apply if I am (a) **in a terminal condition;** (b) **permanently unconscious;** or (c) **if I am minimally conscious but have irreversible brain damage and will never regain the ability to make decisions and express my wishes.**

I direct that my treatment be limited to measures to keep me comfortable and to relieve pain, including any pain that might occur by withholding or withdrawing treatment.

[CROSS OUT ANY STATEMENTS WITH WHICH YOU DO NOT AGREE]

While I understand that I am not legally required to be specific about future treatments **if I am in the condition(s) described above I feel especially strongly about the following forms of treatment:**

I do not want cardiac resuscitation.

I do not want mechanical respiration.

I do not want artificial nutrition and hydration.

I do not want antibiotics.

However, I **do want** maximum pain relief, even if it may hasten my death.

[ADD PERSONAL INSTRUCTIONS (IF ANY)]

Other directions:

These directions express my legal right to refuse treatment, under the law of New York. I intend my instructions to be carried out, unless I have rescinded them in a new writing or by clearly indicating that I have changed my mind.

[SIGN AND DATE THE DOCUMENT AND PRINT YOUR ADDRESS]

Signed: ... Date: _____

Address: ...

[YOUR WITNESSES MUST SIGN AND PRINT THEIR ADDRESSES]

I declare that the person who signed this document is personally known to me and appears to be of sound mind and acting of his or her own free will. He or she signed (or asked another to sign for him or her) this document in my presence.

Witness #1:

Signed: ...

Address: ...

Witness #2:

Signed: ...

Address: ...