

Mary's Story: No Health Care Proxy... Vulnerable Patients Denied Access to Hospice

Mary was a 92-year-old nursing home resident with dementia and end-stage cancer. She had no living family members. Hospice received several phone calls from the nursing home caring for Mary requesting initiation of hospice service. Mary had no health care proxy. The staff that had cared for her for over 10 years were concerned that in the end stages of her life she was suffering pain that they were having trouble managing. The nursing home wanted to bring hospice in to take care of Mary. This was appropriate under the circumstances. However, the attorney for the nursing home told them that they could not elect the hospice benefit for Mary, and to do so would put the facility at risk for liability. The nursing home staff and hospice did everything they could to try to resolve the issue, but the attorney had the final word. Mary did not go on hospice. She died without having the pain and symptom management that she really needed.

Excerpt from the testimony of Kathy McMahon, Executive Director, Hospice and Palliative Care Association of New York State, New York State Assembly Health Committee Hearing, December 8, 2005.