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A Matter of Rights



"Attorneys General in each state are charged with protecting constituents in matters affecting the public interest, including consumer protection of those who are dying."

"During my term as President of the National Association of Attorneys General (2002-2003), I made a commitment to focus the membership on what Attorneys General could do to help improve end of life health care for the citizens of their states.

Drew Edmondson, Attorney General of Oklahoma

In 2002, the National Association of Attorneys General chose to address inadequacies in end of life care as its priority initiative. They took the position that these issues were a matter of rights that are vital for consumer protection. They argued that elderly and ill persons had rights and patients held reasonable expectations that must be met.

In the course of their 3-year effort, the Attorneys General association defined three questions that any health care consumer had a right to ask – and have answered Yes.

The Reclaiming the End of Life Initiative has built upon these questions, adding definition and a fourth focus on family caregivers.

Will my pain be managed?
Will my wishes be known and honored?
Will I receive competent care?

To these questions, the Reclaiming Initiative added one more category

Will my family be supported?

These four questions – and the more specific questions they suggest – resonated with the New Hampshire citizens who participated in the 8 Citizen Forums held throughout the state.

Will my pain be managed?

- Will my doctors and nurses be adequately trained in pain assessment and treatment?
- Will my doctors have passed an examination of minimum knowledge in pain management?

- Will my doctors feel able to prescribe the type and amounts of medicine I need to control my pain?
- Will my pharmacy carry the pain medications my doctors prescribe for me?

Will my wishes be known and honored?

- Will I be helped to complete an advance directive?
- Will my advance directive be kept on file so that it is available when and where I need it?
- Will the doctors read it?
- Will doctors and others make a good faith effort to follow my wishes?
- Will my family be allowed to make decisions for me if I can't speak for myself and an advance directive can't be found?
- Will I be forced to have treatment I don't want?
- Will I be forced to give up treatments that I do want?
- Can I have a DNR order and still have treatment to keep me alive? (i.e. be admitted to the hospital? Have antibiotics for infection? Have surgery?)

Will I receive competent care?

- Will the treatments for my illness be consistent with current standards of care?
- Will my care be coordinated between visits and the different doctors involved in my treatments?
- Will I know whom to call if I have a problem at night or on a weekend?
- Will my doctors know what medicine I have been prescribed by other doctors?
- Will there be enough nurses in the hospital to care for me?
- If I don't speak English, will there be interpreters available so that I can talk with my doctors?
- If I am seriously ill, will I have the medicines at home to treat frightening symptoms, such as pain or shortness of breath?
- If I have an incurable illness, will I be forced to choose between treatments for my disease and comprehensive care for my comfort and quality of life?
- Will my records be available to the different caregivers who help care for me?
- If I have to live in a nursing home, will there be enough nurses and nurses aides in the facility to care for me?
- If I have to live in a nursing home, will I be free from abuse and neglect?

Will my family be supported?

- If I cannot speak for myself, will my family be supported in making difficult decisions about my care?
- Will my family have help in arranging for the care and services I need – whether at home, in the hospital, or in an assisted living or nursing facility?
- Will my spouse have to sacrifice his or her own health in taking care of me?
- Will my spouse or adult children lose their employer-based health insurance in the process of taking care of me?
- Will my family lose our savings and become poor because of my illness?
- Will I leave my family with debts to pay?