

Legally Speaking

Like a Thief in the Night

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I have loved horses most of my life. Being a city girl, I never owned one but I was on the equestrian team at college. For the last six or so years I have been riding with a mounted drill team called “The National Lancers.” Be it traveling into the back county or riding in a parade, horses can be a lot of fun.

In July, a group of us were going for a ride. The weather was perfect. We saddled up and mounted up in preparation for our ride. I had to back my horse just a few feet to get her into her spot. It should not have been a problem, but the unexpected can happen at any time. The horse did not back up. I could feel her shift her entire weight to her hind quarters. “She’s going down!” I thought. She lost her balance. As she began to fall, I brought both feet out the stirrups, placed my hands in the middle of the saddle, and swung off just as she reached the ground. I executed a perfect emergency dismount, landing on

my feet. It was a notable endeavor for someone who is entitled to all the senior discounts. My pride was short lived. The horse next to me, panicked due to the commotion. He kicked the side of my leg sending me to the ground under his hind quarters. He was frantic to get whatever it was that was under his feet (me) away from him. I later counted 7 horseshoe shaped bruises on my leg, shoulder and arm. That does not count the hoof that hit my riding helmet. As a parting shot, the 1,500 lb., steel-shoed brute stepped on my shoulder as he walked away from me. The entire incident took 10 to 15 seconds.

As the EMT was fitting the neck collar on me (it was a little too big but it was the smallest he had), I called to my friends, “Take care of my dog (she was tied to a post in the barn.)” As they were strapping me to the back board, the EMT asked, “What is your name?” “Orrrenn, Emmun” (it is really hard to talk with a neck brace on that has been fitted to keep your jaw from moving...). I could hear

them talking about how a local hospital would not do, they were taking me the 25 miles to Mass General in Boston. I think they hit every pothole on the way.

The nurse was very nice. After the morphine began to take hold the world seemed to be a better place. I’m going to be here a while, I thought. They loosened the neck brace so they could ask me the normal questions: name, date of birth, insurance carrier, name of person to notify and how to contact them. Well there was the rub. I live alone and I could not think of the phone number of my emergency contact person. The number was in my pocketbook along with the number of the lawyer who covers for me when I am out of town, the neighbor who will take care of my dog, and my secretary’s home phone number. All the information I need was in my pocketbook which was locked in my car which was parked at the barn 25 miles away.

The nurse was still asking the mandatory questions. She ended with the standard question for beat

up women, "Do you feel safe at home with the horse?" It is hard to smile with a neck brace. I answered truthfully, "I almost never let the horse in my home." The nurse thought for a moment with a puzzled look, then she too smiled.

At 2:20 AM the results came back. Nothing was broken. "Are you sure?" I asked. I could not believe it! I could go home. I silently thanked the Lord and calcium citrate with vitamin D. My friend Elaine had been with me the entire time. She drove me home and then drove another 30 miles to get to her own home. As you go through life, your girl friend sisters are important people. Do not forget them.

For those of you who take your horse into the woods, make sure you wear a helmet. If I had not been wearing one, the hoof that cracked my helmet would have hit my head. If you do not ride horses, this story still teaches an important lesson. Debilitating accidents can happen anywhere at any time. You could be walking in the woods, slip on some moss and break a hip or you could be walking down the stairs in your own home. "Accidents" are unexpected. In a blink of the eye, your ability to care for yourself can dramatically change. You need to plan for accidents or incapacity.

My accident reminded me of how important it is to keep basic emergency information on your person. My information was in my car. I did not have it when I needed it. If I had been unconscious (I probably would have been had it not been for my helmet), I could not have told the EMTs what I was allergic to or that I wear contact lenses that

needed to be removed.

What basic emergency information should you carry? Your name and address; the name, address and phone number of someone you feel is responsible and who is reasonably available; any allergies you might have; any medications you are on; if you wear contact lenses; and if you have any significant medical condition. For example, diabetes, high blood



Like a helmet when riding, a durable power of attorney is a good idea.

pressure, or a seizure disorder may require that you have medication administered at regular intervals. If you are a caretaker, you should note that together with the name and location of the person who is dependent upon you. Your contact person should have all this information and more. He or she should know who else needs to be contacted if you are in for an unexpected hospital stay. That would include your regular doctor, your employer or other people you work with. If you have a pet, you should have someone who is willing to care for the pet if you are incapacitated.

It is also a good idea for a trustworthy person to have a set of keys to your car. Your car may need

to be moved before you can drive again. Many parking lots will tow your car if it is left there overnight. Tow charges and storage charges can get quite high if you are in the hospital for several days. You may want someone to have the keys to your house so that they can keep an eye on things. They may need to pick up your mail, put out the trash, throw out fruit that was at one time fresh, water plants, or bring you things from home that you might need.

All of this needs to be arranged before you have an accident. You should not have to worry about such things as the ambulance takes you to the hospital.

Talk to your contact person before there is a problem. He or she must be willing to do the job. You need to give them all the information he or she will need to do the job right.

You should have health care proxies and a durable power of attorney in case the injury is serious. Health care proxies allow someone else to make medical decisions for you if you are unable to express your wishes. The person you pick should be available, mature, and willing to do the job. While you are healthy, you should discuss with that person what your wishes are. As this person may have to make end of life decisions for you, you need to let them know what you want them to do if you have no hope of returning to some quality of life. Do you want to be kept alive on a respirator and feeding tube, or do you want to let nature take its course?

A durable power of attorney (DPA) is a document that gives the named person power to act on your behalf if you cannot do

so. It should be drawn up by a lawyer. The DPA is a dangerous document. The person named in the DPA can do anything you could do. They could clean out your bank account, sell your house, take out a credit card in your name and sign you into a nudist colony. The person you pick should be younger than you because he or she may be your caretaker for a very long while. The person should be very trustworthy. Do not pick the boyfriend of the moment. The person should have the time to do the job. The person should be close enough geographically to do the job. The person needs to be willing to do the job.

The DPA saves your family from having to ask a court to have someone appointed guardian over you. It makes life much simpler for your caretaker because they have full legal power to do everything that needs to be done. A DPA is much better than a guardianship. In a guardianship, the person appointed guardian is empowered to do things against your wishes. They have what the courts call, "substitute judgment." A person who holds your DPA has to carry out your instructions as long as they can determine what those instructions are. If you cannot instruct them, they are supposed to do what they think you would have wanted.

Because of the potential for abuse, I suggest that clients either give the document creating the DPA to some third party to hold until it is needed; or, they hold onto the document themselves. If you hold onto the document yourself, you need to tell the person who is going to be your agent (attorney) where to find the

DPA document. It should be easy to find. It should not be in a safety deposit box or a safe as the person named in the document will not have access to such places if you are in an accident.

You should prepare a list of important things that the person taking care of your affairs will need to know. Those things would include: your health insurance carrier; the names of your doctors and any medical information that might be important for your care including the medications you are on as well as the things you are allergic to; names and contact information of friends and family that need to be notified; the name and contact information of a person who will take care of your children, that elderly parent you look after, and your pet; the location of important papers such as the title to your car, your car insurance and your home insurance; the name of your accountant or the location of your tax records; the contact information for your employer; the names of your banks; a list of important things that need to be done such as paying the mortgage; the name of your lawyer and the location of your will or other legal documents; your date of birth, social security number, veterans status and any benefits you might be entitled to; the name of your executor or personal representative if you die, together with any funeral instructions you might have.

Ask yourself, "If I could not come home tonight, what would have to be done over the next several days, weeks, or months?" Then draw up instructions for the person who will take over for you.

Never go anywhere remote alone. A cell phone is not a

substitute for a buddy. A cell phone cannot make you a splint. It cannot pull you out of the water. It cannot help you dislodge your foot from that rock crevice. It is of no help if you are unconscious, or if you smash it when you fall or if it gets wet. A hiking buddy does not need a cell tower to help you. A buddy does not need to have his or her battery charged. A buddy can go for help.

Tell a friend when and where you are going and when you will be home. Then call them when you get home so they know you are okay. A remote place does not have to be in the woods. The middle of a city could be remote if other people do not go to the spot often. If you broke your hip and could not move, how long would it be before someone found you?

Ask people you love where they are going. Ask them to call you when they get home. It is not because you want to "control" their lives, it is because you want to know where to send the search teams if they do not get home.

Some of my friends have chided me for riding horses and not engaging in what they think is age-appropriate behavior. They are horrified that I have already bought a new riding helmet even though my ability to ride again is probably some weeks off. Life is to be lived. Each moment is precious and irreplaceable. I intend to make the most of each second. The Bible warns people to be prepared because the end comes "like a Thief in the night." Being prepared is important; however, I have no intentions of sitting at home waiting for that "Thief" to arrive.

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