



Breaking News from our Future President – Highlights of the Cuba Mission

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Advance Directives: A Step Back Into The Fifties, The View From Cuba

I left from the Miami International Airport in the dark of early morning. I was part of a small NAELA delegation to Cuba investigating Cuban society and Cuba's legal system as it relates to seniors. The flight was smooth but as I disembarked I knew I was really someplace else. I made my way down the gangway and entered the line. I stepped up to the glass and faced the immigration officer. He studied my passport and visa again and again; when he was satisfied, and all stamps were affixed, I was allowed to pass through a narrow corridor and buzzed through an extremely tiny door. When that door opened, I felt like Alice in Wonderland who had fallen through some mysterious chute.

Once out of the airport I was treated to soft warm Caribbean breezes and to a place where, in some sense, time had stood still. There were glorious old automobiles parked in the lot. Some were spiffy classic cars lovingly cared for and others were really old cars that some brilliant mechanic kept in operating condition. In Cuba modern architecture is architecture from 1959, the year of the Cuban revolution. As I got close to Havana, I saw many large homes lining the streets which were built in the early 1900's by sugar barons and local industrialists. Most of these homes needed paint and

repair, but they were stately. Cuba is a country whose economy is thin, but whose people are so proud of what they have created with so few available resources.

Just as time has stopped in Cuba in regard to the material world, there is a feeling that you are back in the fifties when learning of the Cuban view and practice regarding medical decision making. While in Cuba, our delegation met with many different panels for discussions regarding legal and aging issues. We were often reminded that Cuba provides free medical care to all its citizens and has a well regarded health care system. Early on, a panel member was asked what happened to seniors who found themselves very ill with no hope of recovery. The immediate answer was that Cuba does not allow euthanasia or assisted suicide. It was apparent that the panel was uncomfortable discussing end of life decision-making and wanted to shut down the conversation. With persistence, we learned that Cubans who have full mental capacity can designate, in writing, a person to make medical decisions for them in the event they are unable make their own medical decisions. There is no set form or document to accomplish this.

As the questions continued, our delegates finally realized that making a decision to refuse further medical treatment or to disconnect from life sustaining treatment is an unusual event. Philosophically, family and friends feel a responsibility to provide all available health care for the patient until the last moment. They hope for a miracle. The session concluded with a panelist's comment that we should think more about life and less about death.

Several days later, we met with Dr. Jesus Menendez, advisor to the Cuban Minister of Health and the Director of Geriatrics for Cuba's National System of Health.

Dr. Menendez advised that Cuba does not have a system that embraces advanced directives in the same manner as the United States does. Often the patient and/or family do not ask about the patient's prognosis and Cuban physicians tend to postpone talking to patients and families about bad news.

Cultural dimensions shape end of life decision-making. As I listened to our speakers during my Cuban visit, it became evident that surrogate end of life decisions were rare in Cuba. Dr. Menendez repeated what we had heard before from the panel, culturally, Cubans hesitate to withdraw medical treatment because they want to wait until the last moment for a life saving medical miracle to happen. What's more, Cubans for the most part, are unaware that they have a choice to advise the doctor to stop aggressive treatment. Dr. Menendez also related that many patients and/or their families are afraid to make their own medical decisions and that the physician is expected to be the decision maker. Accordingly, Dr. Menendez explained that he tries to prevent physical and spiritual suffering for the patient and his or her family by taking "away the decision from the son or daughter to turn off the light."

The Cuban approach to advance directive issues is very different than the approach taken in the United States. The Cuban legal system does not recognize any specific form for living wills and has nothing analogous to New York State's health care proxy law, MOLST, or Family Health Care Decisions Act. In the United States, the law requires that medical information be given to patients and those they delegate as their

surrogates. Also, the practice of physicians making medical decisions for their patients is gone.

Those Cuban classic cars do allow the viewer to reminisce about the glories of steel and chrome and even fins. Some might like to be transported back to that age when times seemed simpler, but surely we attorneys appreciate our developed system of advanced directives for our clients. Viva Cuba... but not their mechanism for health care decision-making.

Lawmakers ask why Beyoncé and Jay-Z went to Cuba

<http://politicalticker.blogs.cnn.com/2013/04/06/lawmakers-ask-why-beyonce-and-jay-z-went-to-cuba/>



Posted by [CNN's Kevin Liptak](#)

(CNN) – Two Republican lawmakers are asking a government agency to look into a recent trip to Cuba by Beyoncé and Jay-Z, suggesting the superstar couple violated restrictions on travel to the communist island.

“Despite the clear prohibition against tourism in Cuba, numerous press reports described the couple’s trip as tourism, and the Castro regime touted it as such in its propaganda,” Reps. Ileana Ros-Lehtinen and Mario Diaz-Balart, both of Florida, wrote in the letter to the Treasury Department’s Office of Foreign Assets Control.



Beyoncé is seen in a balcony of the Saratoga Hotel in Havana next to her husband Jay-Z, on April 5, 2013.

Beyoncé and Jay-Z were photographed in Havana last week, apparently celebrating their fifth wedding anniversary on the island. While Cuba was a popular getaway for Americans in the 1950s, spending money there was outlawed after Fidel Castro took power in 1959.

In 2012 the Obama administration lifted some of the restrictions on travel to Cuba, instituting a “people-to-people” travel program that requires a strict itinerary for vacationers.

“Each traveler must have a full-time schedule of educational exchange activities that will result in meaningful interaction between the travelers and individuals in Cuba,” U.S. Treasury Department guidelines read.

Asked about Beyoncé’s and Jay-Z’s recent trip, Treasury Department Spokesman John Sullivan said only “I can’t comment on specific licenses.”

Americans have been known to get around travel restrictions to Cuba in the past by stopping first in a country with flights to the island. Cuban customs officials are familiar enough with the practice to not stamp American passports when they cross their desks.

In their letter the Treasury Department, Ros-Lehtinen and Diaz-Balart noted their connection to “a community of many who have been deeply and personally harmed by the Castro regime’s atrocities, including former political prisoners and the families of murdered innocents.”

“The restrictions on tourism travel are common-sense measures meant to prevent U.S. dollars from supporting a murderous regime that opposes U.S. security interests at every turn and which ruthlessly suppresses the most basic liberties of speech, assembly, and belief,” they wrote. “We support the Cuban people by refusing to sustain their jailers.”

Other lawmakers held different views, such as Republican Sen. Jeff Flake of Arizona.

"So, @Beyonce and Jay-Z @S_C_ are in Cuba? Fine by me. Every American should have the right to travel there," he wrote on [Twitter](#).

– **CNN's Peter Hamby contributed to this report.**