

LTC Update

Getting Your Affairs In Order

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If we had a crystal ball and could see into the future, we would not need to prepare ahead for end of life decisions.

James was 62 years old when a stroke made it impossible for him to communicate with his family. Neither his wife nor children knew anything about his financial or medical information. James had always taken care of things himself and left no written directives in his behalf. Besides having to locate important documents, the family was left to make their own decisions about James long term care.

The National Institute on Aging gives three simple, but important steps to putting your affairs in order:

- “Put your important papers and copies of legal documents in one place. You could set up a file, put everything in a desk or dresser drawer, or just list the information and location of papers in a notebook. If your papers are in a bank safe deposit box, keep copies in a file at home. Check each year to see if there's anything new to add.
- Tell a trusted family member or friend where you put all your important papers. You don't need to tell this friend or family member about your personal affairs, but someone should know where you keep your papers in case of emergency. If you don't have a relative or friend you trust, ask a lawyer to help.
- Give consent in advance for your doctor or lawyer to talk with your caregiver as needed. There may be questions about your care, a bill, or a health insurance claim. Without your consent, your caregiver may not be able to get needed information. You can give your okay in advance to Medicare, a credit card company, your bank, or your doctor. You may need to sign and return a form.” National Institute on Aging” <http://www.nia.nih.gov>

Preparing Advance Directives or Living Will

Advance directives are legal documents that state the kind of medical care or end of life decisions you want made in your behalf. It is a way for you to communicate your wishes to family or health care professionals. Emergency response medical personnel cannot honor Advance directives or living wills. They are required to save and stabilize a person for transfer to a hospital or emergency facility. Once at the facility a physician will honor the directives.

The Living Will as part of your directives gives your consent or refusal for sustained medical treatment when you are not able to give it yourself. If this document is not in place then a family member or physician will decide such things as:

- Resuscitation if breathing or heartbeat stops
- Use of breathing machines
- Use of feeding tubes
- Medications or medical procedures

Advance Directives and Living Wills are legal throughout the United States; however, some states may not honor other states' directive documents. Be sure to check with the state you live in for their requirements.

Review your directives periodically. They do not expire, but your wishes may change. A new or revised Advanced Directive invalidates the old one. Be sure your family member or healthcare proxy has a current copy.

Choosing a Power of Attorney

General Power of Attorney - authorizes someone to handle your financial, banking and possibly real estate and government affairs as long as you remain competent.

Special Power of Attorney - authorizes someone you designate to handle certain things you cannot do yourself for a period of time.

"Durable" Power of Attorney - The general, special and health care powers of attorney can all be made "durable" by adding certain text to the document. This means that the document will remain in effect or take effect if you become mentally incompetent.

Many people do not know the difference between a general and a durable power of attorney. A general power of attorney is a document by which you appoint a person to act as your agent.

Agents are authorized to make decisions for you, sign legal documents, etc. Many people are unaware that a General Power of Attorney is revoked when the person granting that power becomes incompetent or incapacitated.

It is the "Durable" Power of Attorney that allows for an agent to continue making decisions on your behalf no matter what happens to you. A responsible adult child of an aging parent would be given a "durable power of attorney" to act on behalf of the parent. This provides broader authority than just adding the child's name to bank accounts and documents.

You may choose to produce notarized power of attorney documents on your own. If your estate is large and real estate or business is included it is advised to secure a reliable attorney.

National Care Planning Council <http://www.longtermcarelink.net/a2cfindattorney.htm>

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