



Advanced Healthcare Directives, Living Wills and Healthcare Power Of Attorneys.

Living Will

All states protect your right to exercise control over the medical treatment and procedures rendered by doctors and healthcare providers. This right is protected even when an individual reaches a terminal stage of life in which the person lacks mental or physical capacity. However, to exercise this future control over medical decisions, state

laws require you to be proactive by making your wishes known while you are well and fully competent. Failure to act can result in confusion, controversy and even lawsuits over your true wishes or

intentions about medical care administered during a terminal-illness-stage of life.

A Living Will allows you to legally establish your wishes about medical care.

In exercising control over future medical decisions, it is important to understand the purpose and use of a Living Will. Executing a Living Will allows you to legally establish your wishes about medical care and treatment during a terminal illness or a permanent unconscious state. This document is also referred to as an Advanced Healthcare Directive because the patient is directing the healthcare provider as to what medical actions are to be taken during this period. With the Living Will, you may direct the doctor to provide, or withhold, life-prolonging procedures.

The Living Will impacts only your medical care during a period of incapacity. The Living Will does not have any legal effect with respect to the transfer of your property at death; it applies only to your medical care. You should sign the document and have it witnessed, preferably by non-family members. Also, talk to your doctor about your wishes as expressed in your Living Will and request the document to become part of your medical records.

Medical Power of Attorney

In addition to a Living Will, you should consider a Durable Power of Attorney for Healthcare, where you appoint a person (referred to as an Agent or Attorney-in-Fact) to make medical decisions if you are unable to do so. With this document, you are naming in advance a person you trust to be your voice if you become mentally or physically incapacitated and cannot communicate to the doctor. With this document, you can express directives about care and treatment and establish the authority of the Attorney-in-Fact.

In most states, the power of attorney may grant your Attorney-in-Fact the power to give or withhold consent for medical procedures, to gain access to all medical records, to release medical records, and to exercise wishes outlined in a Living Will or Advanced Health Directive.

The Durable Power of Attorney for Healthcare takes effect when you are unable to make decisions due to incapacity. At that time, the Attorney-in-Fact named in the document assumes responsibility with the doctors and healthcare providers to manage your care and to carry out your wishes regarding medical treatment and procedures. Prior to giving someone this much power over your welfare, you should discuss the responsibility with the person whom you wish to name as Attorney-in-Fact. You may revoke the Power of Attorney at any time by destroying or canceling the document, or signing a new document.

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Where To Find Information

Most state laws provide model forms for both a Living Will and a Durable Power of Attorney for Health-care. Hospitals are required by federal law to provide information on Advanced Healthcare Directives and applicable state law on the use of these documents. There are several internet sites that provide information including:

www.uslivingwillregistry.com

www.agingwithdignity.org

www.nphco.org

www.abanet.org

Another site is the American Bar Association, which provides a toolkit for Advanced Healthcare Directives. While you do not need an attorney to draft these documents, an estate planning attorney will discuss advanced care planning as part of your overall estate plan and provide the forms as needed.

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