

# Planning for the Future: Managing Your Healthcare with Advance Directives

## Article

*Amundsen Davis Trusts, Estates & Succession Planning Alert*

July 22, 2024

A comprehensive estate plan provides how your estate is handled in the event of death or incapacitation. It also establishes your desires for how medical and life-sustaining treatments are communicated and administered. These medical choices are communicated through a series of written documents sometimes referred to as advance directives.

Advance directives tell your doctors who they should consult on your behalf and what kind of treatment you'd like to have if you are unable to make medical decisions (e.g., if you're in surgery, or in a coma, or you have a progressive illness such as dementia or Alzheimer's). Advance directives are time sensitive documents and must be executed before loss of capacity or ability to communicate your wishes. You should strongly consider having the following:

**Durable Power of Attorney for Health Care** (sometimes called a medical power of attorney) identifies whom you've chosen to make medical decisions for you in the event you become incapacitated. It can be used any time you're unconscious or otherwise unable to make medical decisions for yourself.

**HIPAA Release** authorizes healthcare providers to share your confidential medical information with another, keeping them informed about your health status. This is often included within the durable power of attorney for health care.

**Living Wills or Health Care Declarations** comes into effect when you are terminally ill and unable to communicate your wishes. A living will goes beyond the durable power of attorney for health care in that you are not appointing someone to act on your behalf, you directly specify the kind of treatment you want in specific situations. These may also identify when you do not want to prolong the dying process or to be kept alive with unnecessary procedures (including do not resuscitate orders).

When writing an advance directive you should consider the kind of care you want and the kind of care you don't want. This includes if you want antibiotics, or if you want to be kept alive on a machine. Some clients also incorporate religious considerations when deciding on treatment options. Your health care provider

## RELATED SERVICES

Trusts, Estates & Succession Planning

should have a copy of your advance directive and you should discuss your wishes with your loved ones and your power of attorney.

## Planning for the Future: Managing Your Healthcare with Advance Directives