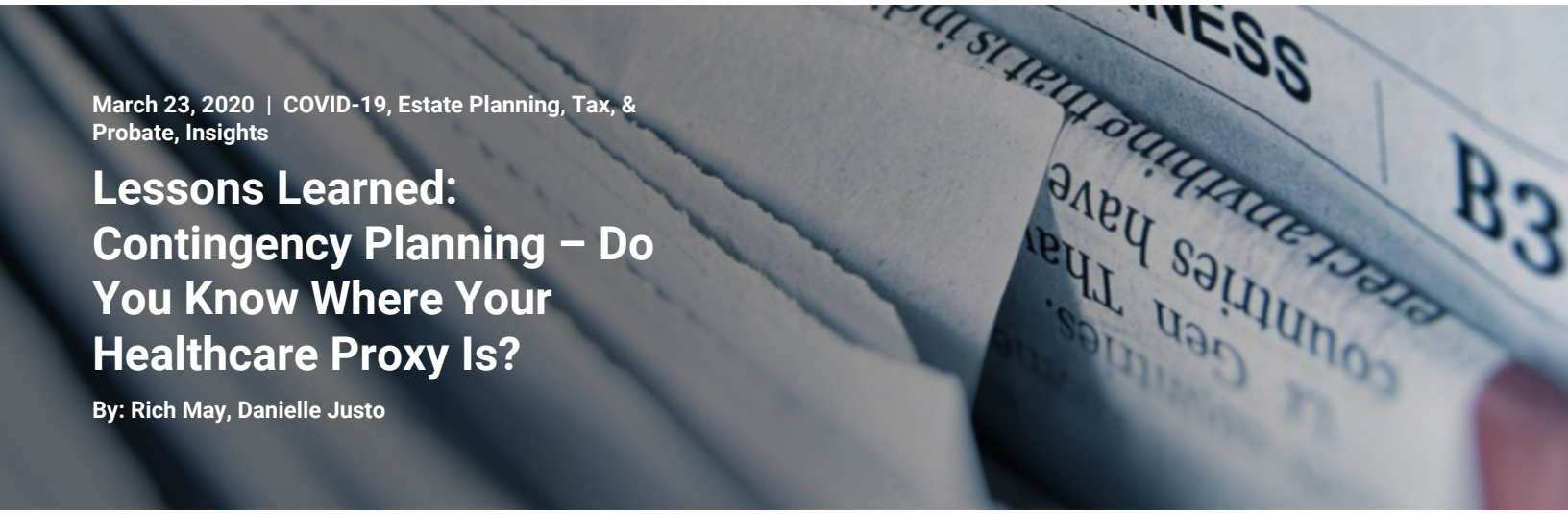


March 23, 2020 | COVID-19, Estate Planning, Tax, & Probate, Insights

# Lessons Learned: Contingency Planning – Do You Know Where Your Healthcare Proxy Is?

By: Rich May, Danielle Justo

"I hope you've been nice to your nurses." I said.

"Why?" he said.

"Because you are going to need two of them to witness your health care proxy."

A day before an emergency surgery, a client called unable to locate his health care proxy he had prepared almost 20 years ago when he retired. We were able to pull it together with three simple questions that you can ask yourself if you also cannot find the document, believe it is outdated or have never done one:

1. Who do you want to make health care decisions on your behalf? Most clients choose their spouse to be their health care agent, but if your spouse dies before you or is incapacitated, who is your second choice – most clients choose one of their children, but this individual needs to be at least 18 years old. (Provide their cell numbers and addresses)
2. Do you have two witnesses to sign? They cannot be the same individuals you choose to be your agents above.
3. Do you want to leave them guidance of your wishes? If so, we have a simple living will which lets them know what measures can be taken – for example, you may want to avoid being left in an unresponsive state, or may wish for all life-sustaining measures to be taken.

There are three main related reasons to prepare a health care proxy and living will. A health care proxy provides a HIPAA release so that your medical records are easily obtainable by your designated agent. You may only choose one agent by law, which may avoid conflict among family members if they disagree about your care. And if you provide that individual with your living will, it will assist their decision making and make a trying time easier to get




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through.

A health care proxy and living will are relatively easy to prepare and execute. They do NOT require a notary, so they can be prepared and mailed or e-mailed to you. You can then sign in front of two of your neighbors – so long as you stay a safe social distance away! We can store these documents for you and provide electronic and hard copies so that you have them on hand for a health emergency, and they can be updated whenever you wish.

*Disclaimer: This summary is provided for educational and information purposes only and is not legal advice. Any specific questions about these topics should be directed to attorney Danielle Justo.*

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