

The Importance Of Advance Directives

From Nancy Cruzan to Teri Schiavo, Americans have witnessed the agony of families called upon to make life-and-death decisions for loved ones who could not speak for themselves and who had provided no guidelines about their wishes. Confoundingly, a survey by the Conversation Project reveals that 90% of Americans believe it's important to create advance directives and discuss these issues with family. But the disconnect is only 27% have done so!

I was reminded of these issues last month when former First Lady Barbara Bush passed away. In failing health and refusing to spend her last days hooked up to a breathing machine, she said, **No more.** With her family understanding her wishes and by her side, she died peacefully at home.

How can you be sure that your wishes are honored when you cannot speak for yourself? How can you be sure you get the care you want—and that any care you don't want isn't forced upon

you? The answer is, advance directives. These are the written blueprints that spell out your wishes. At a minimum, every adult should have the following legal documents and should share them with family and doctors:

A Health Care Surrogate names someone to make your health care decisions for you if you cannot do so. You should name back up surrogates in the event your first choice cannot serve. Don't appoint co-surrogates who must agree unanimously; this can create delays when a decision must be made quickly, as is often the case. And be sure to keep it updated. I have seen numerous clients with health care surrogates so old that a spouse with demen-



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tia is still the decision-maker, with no back-ups named!

A Living Will specifies what kind of life-extending care you do and don't want if you are in a terminal or end-stage condition, or in a persistent vegetative state. A Living Will must comply with Florida Statutes Section 765.03 and must be properly executed and witnessed. One of the witnesses may not be a blood relative or spouse of the maker. Because the Living Will applies to only a narrow range of medical scenarios, it is not by itself sufficient protection for someone who wants to remain in control of his/her own medical destiny in dignity.

A HIPAA release will authorize

people of your choosing to get your confidential health information so they can speak with your doctors, health insurers, pharmacies and other medical providers.

There are several other health care documents that you may also want to have—an anatomical gifts form, for example. Your Florida Bar Certified Elder Law Attorney can tell you more about this. You can also see more detailed information on The Karp Law Firm website, www.karplaw.com.

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Read The Florida Elder Law and Estate Planning Blog at www.karplaw.blogspot.com.

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