



THE LAW OFFICES OF
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What You Should Know about Advance Directives

It was only a few months ago that the media coverage regarding the Terri Schiavo case was everywhere. Right around that time, the thought of taking care of your own living will and related legal documents was probably a high priority. But time has passed, and Terry Schiavo is no longer top of mind. Hopefully, your intention of taking care of your legal documents is top of mind. Before you embark on your life planning process, take into consideration what we have to say about your health care wishes being honored.

Legal health care documents are referred to as Advance Directives or Health Care Directives. This form of planning is known as "Disability Planning," and should be included as part of your approach to estate planning. There are two primary Health Care Directive documents:

- 1) A Living Will details your medical preferences when you cannot, and states under what circumstances you do or do not want a feeding tube, a ventilator or other life sustaining measures taken.
- 2) A Designation of Health Care Surrogate states who you wish to speak for you if you are unable to speak for yourself. Your Surrogate uses your living will and other instructions from you and your doctors to make decisions about your care. Be sure to choose a trusted individual who will uphold your wishes.

Having these documents is crucial, but not enough. You should also talk to your loved ones, ask the person you want as your health care surrogate if he or she is willing to do it and tell your family about the care you want, especially end-of-life-care. The more you discuss with your family, the easier it will be for them if the need arises for others to make decisions about your care.

Reviewing your documents at least once a year is very important, especially if your family situation or health has changed. Also, changes to state or federal law will also make it necessary to update your directives. If you signed your directives prior to 2005, they may need to be updated for HIPAA (Health Insurance Portability and Accountability Act, a federal law) authorization. Otherwise, a health provider may deny your surrogate medical information when it is needed the most.

Health care directives are a must to protect you and your family. Make your wishes known now and prevent the potential for future conflict.