

Many people think estate planning is all about transferring property after your death. While asset protection is a key part of estate planning, a comprehensive estate plan not only safeguards your loved ones after you pass away but can also help protect health care interests during your life as well.

Estate planning attorneys can use various tools to help ensure that you receive the medical care you want and that loved ones are kept informed and prepared to assist if necessary. Read on to find out how these tools work.

## Medical Power of Attorney

Have you ever considered what would happen if you were in a car accident or struck by a serious illness and you were in a coma and unable to communicate? No one wants to imagine this type of situation, but we know it happens. With the right planning, you can be ready so that your wishes will be honored and you will receive the care that you want.

Preparing a medical power of attorney is one step you can take to protect yourself. With this document, you designate someone as your healthcare agent with the authority to make medical decisions on your behalf if you are unable to make or communicate your own decisions. Your healthcare agent can explain your preferences to doctors and other healthcare providers and authorize testing and treatment to avoid unnecessary delays.

An estate planning attorney can customize your medical power of attorney to provide just the amount of authority you want to give, and this authority only takes effect if you are not capable of managing your own care decisions. Having a medical power of attorney prepared can prevent the need for loved ones to seek guardianship if you

were to become incapacitated.

## Directive to Physician and Family (Living Will)

A living will, which is formally known in Texas as a “directive to physicians and family or surrogates,” is a document that enables you to explain in advance the treatment measures you would want to receive if you were unable to communicate due to illness or injury. These documents can be particularly helpful for specifying wishes for treatment in situations where you are suffering from a terminal condition and are not expected to recover. You might specify that in that situation, you would not want doctors to perform extraordinary procedures such as surgery to extend your life if there is no hope of recovery. Or you might specify that you would want to receive pain medication but not artificial feeding. A living will gives you a voice and allows you to remain in control of what happens in situations where you cannot speak for yourself.

You can also have your estate planning attorney prepare a declaration for mental health treatment. This document allows you to communicate your decisions as to whether you would want to receive treatments such as psychoactive medications, convulsive therapy, and emergency mental health treatment. The document only takes effect if a court is satisfied that you lack the capacity to consent or withhold consent to these treatments.

## Other Helpful Documents

Your estate planning attorney can create other documents or plans to help protect your interests as well. For instance, your attorney can prepare a HIPAA release document that allows you to authorize certain individuals to receive information from

healthcare providers and discuss your case with insurance companies and others in the medical field. Without specific written authorization, federal privacy laws often prevent medical professionals from sharing any information with loved ones, which can be tragic in an emergency situation.

Another document that protects your interests if you are in a situation where you are physically or mentally incapacitated is a statutory durable power of attorney. While this document does not directly affect your medical care, it enables a designated agent to take certain actions to maintain your financial and business affairs. If you become incapacitated, your agent could ensure that bills are paid and other essential matters are handled appropriately.

## Let The Nordhaus Firm Protect the Full Range of Your Interests, Including Health Care

Knowing that you are prepared for the future enables you to enjoy the present with confidence. At The Nordhaus Firm, we can prepare new plans or update your current plans to ensure that you are fully protected no matter what the future brings. We invite you to schedule a free consultation to learn more about how we can help ensure that you receive the care and treatment you want in the future. Just call us at 214-726-1450 or contact us online to get started.