

Do Not Leave Health Care Decisions to Chance

By Brandon C. Walecka

You likely have your own ideas on what should happen if you became incapacitated. However, your loved ones could have other ideas. Most people think about finances, wills, guardians for dependents, and who inherits, when the issue of their inevitable death arises. But in the event that you do not die but instead, become incapacitated, you may not recognize the importance of planning for future health care decisions.

Have you ever heard of an advance directive (sometimes called living will, personal directive, or Five Wishes®)? Advanced care planning is simply planning for your future care. It is a process that happens over time and throughout life to help people maintain control over the kinds of decisions made on their behalf if they lose the ability to make decisions due to a serious illness or accident.

Make your wishes known in advance and ensure that they are legally enforceable. With an advanced directive, you can designate what procedures doctors should or should not perform if you are incapacitated with no reasonable likelihood of recovery. Another important estate planning document called a health care proxy can be used to appoint one or more persons to make medical decisions for you if you are unable to express your wishes.

What happens if you do not have an advanced directive? For example, if you are in an accident and decisions need to be made about your medical care, your family might not have a good idea what decisions you would make yourself. That can create problems for them, as they try to decide on what care

you should receive. Planning ahead for health decisions benefits everyone.

An advanced directive can help avoid arguments. When your preferences are clear it can mean that your health care decision maker confidently knows your wishes. If disagreement occurs among your family, your decision maker has a document to follow based on your wishes. This can help keep family harmony.

Good advanced care planning is done in different stages. Healthy adults need different conversations than those living with increasing complications from an illness or at the end-stage of an illness. It also considers goals, values, and wishes before becoming ill, and names a person who will speak for you in an advanced directive.

Planning for your health care is a gift of peace of mind you can give your loved ones and family. An estate planning attorney can advise you on creating an estate plan and an advanced directive that meet your unique circumstances.

Do you have a suggestion for a future article topic for Attorney Walecka? Reach out to him directly with a question or topic you think would be helpful to readers.

The information contained in this article is not intended to make you an expert on estate planning nor is this article intended to replace the need for the advice of a professional. Rather, this article is simply intended to provide a basic understanding of why estate planning is important for everybody and a basic understanding of some of the more common estate planning tools. This article does not constitute legal advice.

Also see this same article published in Marion Council on Aging's Sippican Soundings [February 2021 Newsletter](#). Reproduced with permission.