

## Establishing Legal Health Care Documents Brings Peace of Mind

It is imperative to have power-of-attorney documents in place. As I talk with current and prospective clients, I find that a significant number of people do not have an estate plan. As a result, these individuals generally have not executed powers of attorney for health care and property.



It is imperative you have this in place. Suppose your 18-year-old child is rushed to the hospital and cannot communicate with the doctor or is not in a condition to make decisions about his or her well-being. If you do not have a power of attorney for health care or HIPAA (Health Insurance Portability and Accountability Act) release, the health care professional cannot share with you anything about your child's illness, and you cannot make any decisions on the child's behalf. Medical information on your 18 or over child cannot be released to you the parent. A health care power of attorney grants you the authority to act on one's behalf in decisions regarding hospitalization, surgeries and treatments. To obtain a power of attorney after someone becomes incapacitated, you need to go to court, which can be costly, time-consuming and stressful.

Similarly, with a power of attorney for property, again when one is incapacitated, you (or the person named in the document) have the ability to handle one's financial affairs to the extent authorized in the document. This can include paying bills, entering into contracts and handling investments, to name a few.

If you have put off updating or implementing your estate plan, then at least put your power of attorney documents in place. Powers of attorney are relatively simple to implement, and the State of Illinois does have statutory forms for [power of attorney for health care](#) and [power of attorney for property](#). You should also include a HIPAA release form to share information from medical records with those persons designated, including the agent under the power of attorney. Each health insurer provides a HIPAA form online. Choose your designated agent(s) wisely, as you are giving them significant responsibility.



Even though you can implement these documents on your own, it is best to obtain advice from a qualified estate attorney.

Knowing you have designated the right individuals for your affairs under your powers of attorney, or you may make decisions on behalf of your grown children, should give you peace of mind.

Please note; this document is intended to provide you with general information and is not intended to constitute legal advice. This document should not be relied upon in lieu of consultation with appropriate legal advisors. The views expressed in this document are the opinions of the author.

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