

Two Minute Legal Update

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To Your Health

We have emphasized that good planning benefits you, your family, your wealth, and your health. But exactly how does thorough and thoughtful planning benefit your health? The simplest way is through a Power of Attorney for Health Care. This document allows a loved one to make medical decisions for you if you cannot make them for yourself.

Ideally, you should select just one person, called your agent, to make this decision. Committees are not well-suited to making medical decisions, and your agent can certainly consult others when making decisions for you.

It is important to remember that the agent typically makes deci-

sions only if the person who signed the Power of Attorney is incapacitated. You should also know that an agent can make all kinds of decisions, from whether the patient will take aspirin or Tylenol, to the ultimate decisions on life and death.

Some people are surprised to learn that the Illinois Supreme Court has ruled that machine-assisted administration of food and hydration is considered an extra-ordinary means of life support. Therefore, an agent would have the power to withdraw such food and water.

And what about HIPPA and access to your medical records? Certainly, this kind of access is important if an agent is going to make fully-informed decisions.

Illinois law seems clear that an agent acting under a Health Care Power of Attorney should have access to medical records, even if the Power of Attorney does not expressly say so.

Because health care providers may be hesitant to

Quips and Quotes

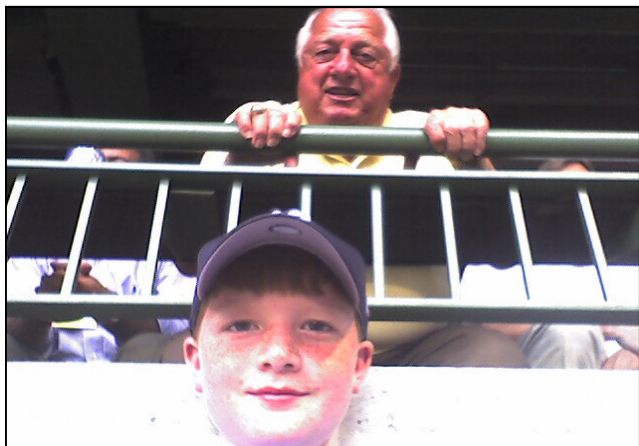
"Eighty percent of the people who hear them (your troubles) don't care, and the other twenty percent are glad you're having them."

—Tommy Lasorda,
former manager of the
Los Angeles Dodgers

disclose medical records, we now include HIPPA language in our health care directions; this also may be beneficial for any post-mortem inquiries into the records.

Many have asked if a living will is appropriate in Illinois. Generally, an Illinois Power of Attorney for Health Care replaces the need for a living will. However, if you spend a lot of time in a different state, you might also consider having a health care power of attorney for that state. While probably unnecessary, the health care providers in the state you frequently visit will certainly be more comfortable with their own state's forms.

In all events, be sure you are comfortable that you have named the right person to act as your agent. Remember, it is all about your health.



Bob's son, Robert, meets Tommy Lasorda at a Milwaukee Brewers baseball game.