

# PLANNING PERSPECTIVE

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## Take Your Health Care Power of Attorney for a Ride

*Your Health Care Power of Attorney is an important document that names someone as an agent to talk to your doctors, nurses, and other medical professionals on your behalf if you are incapacitated. Your lawyer, doctors, clinics, and hospitals all believe that it is important for you to have a health care power of attorney. You will likely be asked about your health care power of attorney or advanced medical directives over and over again.*

It makes good sense to share your Health Care Power of Attorney with your doctor and any clinic that you visit. Clients generally do not have much warning when something happens that triggers the Health Care Power of Attorney. It is best to have everyone on the same page. You should tell the agent you appointed where you keep the health care power of attorney document. Getting a copy of the health care power of attorney on file with your doctor or clinic can also ease the transition and get your agent in the loop much faster. Better coordination and quicker response always improves your health care and eases the burden on your family.

### Financial Power of Attorney

The Financial Power of Attorney is a key estate planning document. Here is a brief

overview of five things to know and keep in mind about your Financial Power of Attorney (see the full discussion at [fitzgeraldlawoff.com/news/fivethingsfinancialpowerofattorney](http://fitzgeraldlawoff.com/news/fivethingsfinancialpowerofattorney)).

**1. Get One.** Without a Financial Power of Attorney, your family would be required to go to court and have a guardian appointed for you if you become incapacitated. Every adult should have a signed Financial Power of Attorney so that they can choose who makes decisions for them when necessary and avoid costly court proceedings.

**2. Get a Good One.** Not all power of attorney documents are created equal. Most documents authorize only simple activities such as paying bills. If you want your agent to be able to protect your assets, you will need to work with an experienced elder-law attorney.

**3. Make It Count.** If you have a good Financial Power of Attorney, don't keep it a secret. You should tell the person who you name as your agent and tell them where you keep the document.

**4. Don't Get Lost in the Woods.** A Financial Power of Attorney is one part of a well thought out estate plan. It is important to know where it fits into the picture and how it coordinates with other documents, like a Revocable Trust or a "POA" set up at a bank. On most days things are simple, but you have to keep your eyes open and be ready for those times when these different tools interact with each other.

**5. Don't Throw It Away.** I regularly see clients terminate a perfectly good Financial Power of Attorney that was prepared by an experienced elder-law attorney. For some reason, the client has signed another document that is limited to bill paying. Sure, they still have an agent who can pay bills for them, but the client has given away the option to do other important financial planning. It is easy to find "another" Financial

Power of Attorney document, but you should not be fooled into trading down to a less powerful document.

“Once teens become adults, they are legally responsible for all of their financial and medical matters.”

### POA Teen

Power of attorney and advanced directives for health care are not just for elderly people. Because accidents and medical emergencies arrive without warning, every adult should have a Financial Power of Attorney and Health Care Power of Attorney in their drawer or file cabinet at home. Teens who recently turned 18 are one group with a particularly high need for powers of attorney.

Once teens become adults, they are legally responsible for all of their financial and medical matters. However, in reality these new adults are still closely connected with their families and rely upon their parents to get things done. Medical privacy laws and financial confidentiality rules can be a real obstacle to parents trying to assist their family members. This situation can become much more difficult when the young adult goes off to college. Unfortunately, the 18th birthday comes and goes with nothing to tell the family that the parents have lost their legal ability to be involved in the same way they always have been.

The solution is to have an 18-year-old new adult sign a Financial Power of Attorney, a Health Care Power of Attorney, and a release of the HIPAA law that makes all medical information absolutely private. It takes some effort to fit this into the schedule of a busy teenager. At Fitzgerald Law Office we have a process called "POA Teen" that can put the necessary documents in place quickly and efficiently.

## An Option for Short Term Durable Home Medical Equipment Needs

From time to time, people can find that they suddenly need a wheelchair, a walker, or other durable medical equipment while recovering from an illness or injury. If the need is only for a short time, the challenge

is to select the right equipment and to pay for it. Then, the problem becomes what to do with the equipment when it is no longer needed.

The H.E.L.P. corner is a great solution. "H.E.L.P." stands for "Health Equipment Lending Program." The program provides access to durable home medical equipment to Washington County seniors and disabled individuals who have a short-term need.

The program can also assist where there is a longer-term issue living with a disability.

H.E.L.P. corner is located at 2354 W. Washington Street in West Bend. The program is a collaboration by Interfaith Caregivers of Washington County, The Threshold, Inc., and the Washington County Aging and Disability Resource Center. For more information, call 262-339-4147.

## Newsletter E-Mail Option

*This newsletter is now available in an e-mail format. Receiving the email version may better fit your lifestyle. It can also make it easier to access added material on [FitzgeraldLawoff.com](http://FitzgeraldLawoff.com).*

*If you prefer to have the newsletter delivered via e-mail, send your e-mail address to [fitzgeraldlaw@fitzgeraldlawoff.com](mailto:fitzgeraldlaw@fitzgeraldlawoff.com) and we will send you an e-mail version of this newsletter and all future editions.*

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## Fitzgerald Law Office Team

Legal Assistant **Terrylynn Johnson** recently retired. We are thankful for the valuable contributions that she made every day, and we wish her well on her new adventures.



**Chelsea Esselmann**, who has been with the firm since 2014, is now a Legal Assistant, working on estate plans, probate and trust estates, Medicaid applications, and overall coordination on client matters. **Jodimae Seibel** remains a Legal Assistant specializing in probate and trust administration.

Earlier this year, **Kate Metzger** began working as Office Assistant. Kate manages the office calendar, schedules appointments, and coordinates phone calls, e-mails and other communications.

## Office Programs and Events

Doug made presentations at a number of seminars regarding estate planning, powers of attorney, and advanced directives. These included a private presentation sponsored by the Threshold, a talk sponsored by the Kettle Moraine YMCA, and presentations sponsored by a number of different financial advisors. Doug also hosted a seminar for financial advisors regarding Medicaid planning and the new Medicaid law.



Doug continues to appear regularly on West Bend Community Cable, discussing estate planning and other legal matters.