

HEALTH CARE POWERS OF ATTORNEY AND LIVING WILLS

Presented by:

WEALTH MANAGEMENT ROUNDTABLE

and

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OUR AGING POPULATION'S DIMINISHING INTELLECTUAL CAPACITY IN AN INCREASINGLY COMPLEX SOCIETY

- ❑ Most Americans who live to their sixty-fifth birthday will not die as a consequence of sudden trauma or accident
- ❑ Unfortunately, neither are they likely to pass away peacefully in their own bed nor suffer a catastrophic heart attack or stroke
- ❑ Rather, census data suggests that they are likely to live, on average, another twenty or so years while enjoying good, albeit diminishing, physical and mental health

STATISTICS ON MENTAL CAPACITY

- ❑ MORE THAN 50% OF PERSONS AGE EIGHTY-FIVE YEARS OR OLDER SUFFER FROM ALZHEIMER'S DISEASE AND ANOTHER 10% SUFFER FROM VASCULAR DISEASE DEMENTIA.
- ❑ CONSEQUENTLY AMERICANS HAVE BETTER THAN A 50% CHANCE OF ENDURING A LENGTHY PERIOD OF COGNITIVE INCAPACITY

Durable Health Care Powers of Attorney and Living Wills

- You must understand that there is a difference between the “Durable Health Care Power of Attorney” and a “Living Will.”

Continued

- A “Living Will” is an advanced directive given by an individual providing direction to health care providers as to how they want to be treated in the event incompetency, permanent unconsciousness or an incurable or irreversible medical condition which, in the opinion of the medical professional to a reasonable degree of medical certainty, results in death regardless of whether life sustaining treatment would prolong the individual’s life (***From a practical perspective the condition precedent, controlled by attending physician, leaves the incapacitated patient in the sole control of the attending physician***)
- In Pennsylvania it does not take effect until the person is effectively at the end of his or her life (see above)

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- ❑ A Durable Medical Power of Attorney grants to another individual, the agent, the power to make health care decisions for the client – either all inclusive or as limited by the principal
- ❑ This includes the refusal to commence treatment that the principal would not have authorized, it is effective immediately upon signature by the principal, can be as limited or as expansive as desired by the principal, endures throughout the incapacity of the principal - even if that is for years, and allows the agent to respond to changes in medical technologies that might improve the principal's odds for cognitive capacity

DURABLE HEALTH CARE POWERS OF ATTORNEY AND DURABLE POWERS OF ATTORNEY

- Durable health care powers of attorney and durable powers of attorney should be put on separate documents for a number of reasons.

REVIEW THE “HOW TO SELECT YOUR HEALTH CARE POWER OF ATTORNEY OR PROXY” DOCUMENT

REVIEW THE “DURABLE
HEALTHCARE POWER OF
ATTORNEY AND HEALTHCARE
TREATMENT INSTRUCTIONS
(LIVING WILL).”

Thank you for attending!