

Health Care Documents

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Additional Health Care documents for every individual:

- a) HIPAA Release Form** - authorizes healthcare providers to provide the individual you named as the agent of your health care power of attorney access to your medical records so that they can adequately perform the job they are required to do on your behalf
- b) Intent to Return** - for Medicaid to cover the expenses associated your long-term care you are required to spend down your personal assets including your primary residence. Your residence can be excluded from this if you formally declare that it is your intent to return to your primary residence if and when you become physically able to do. (This document is only included if you own your own home.)
- c) State Specific Health Care Directive** - each state has its own health care directive. State Specific Health Care Directives include the naming of health care agents (redundant with healthcare power of attorney), also includes outlining specific guidance to health care providers about your wishes about the type and level of terminal care you desire, DNR orders, whether or not you desire pain medication, nutrition, hydration, organ harvesting, etc. These issues are more medical in nature than they are legal. We provide the state specific form but feel that completing it should be done with the guidance of your medical professional not your legal or financial advisors.

Note: There is always some confusion about the term "living will". Especially when your estate plan includes a living trust. The term "living will" first became part of the public dialogue in 1990 when the U.S. Supreme Court confirmed our constitutional right to die in the Nancy Cruzan Case. Living will is the layman's term for the document that outlines your wishes regarding terminal care. Since the Cruzan Case the idea of creating living will has expanded beyond simply outlining your issues about end-of-life instructions and as a result the more accurate name for these documents is Health Care Directives.