

**If I already have a Living Will and/or Durable Power of Attorney for Health Care, am I all set?**

Not necessarily. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) restricts who can access a patient’s medical information without their permission. Be sure your Living Will and/or Durable Power of Attorney for Health Care authorize the release of medical information to your health care surrogate. If not, there are HIPAA authorization forms that you can complete and attach to your existing documents.

**Where should I keep my health care documents?**

When you execute a Living Will and/or Durable Power of Attorney for Health Care, sign several copies. One should be on file with your physician; one with your health care surrogate, and another with important papers at home. Take one with you when you travel, and if you are hospitalized.

**Remember**—these important health care documents deal not so much with how you want to die, rather with how you want to live until you die. But while the documents are necessary, they cannot substitute for verbal communication with family members about what your wishes are!

**WHAT YOU NEED TO KNOW**

In case of illness or accident, many important decisions regarding medical treatment, necessary care therapy, and personal needs must be made. Normally each of us makes these decisions personally after consulting with our physician, family and/or friends. But what happens if you are incapacitated and unable to make these personal decisions?

How can you make your wishes known and appoint someone to make these decisions for you?

This brochure discusses things you can do.

**Living Will AND Durable Power of ATTORNEY FOR HEALTH CARE**



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WHAT IS YOUR LEGACY?



HOW CAN WE help you build it?



## QUESTIONS AND ANSWERS

### Who should think about having a Living Will and/or Durable Power of Attorney for Health Care?

Anyone and everyone! It makes no difference how old you are—accidents and unexpected illness can happen anytime. And if you are unable to make health care decisions for yourself, this is the only way you can have a voice!

### Aren't Living Wills and Durable Powers of Attorney for Health Care the same thing?

No, they are two very different documents. The Living Will allows you to state your wishes regarding life-preserving treatments or procedures. The Durable Power of Attorney for Health Care also allows you to state your wishes in these matters. IN ADDITION, it specifically names a person of your choice and authorizes them to make these decisions on your behalf if you are unable to do so.

### Which one should I have—a Living Will or a Durable Power of Attorney for Health Care?

Every state's laws are different. If your state allows for the Durable Health Care Power of Attorney, you should definitely have that. If not, you should consider a Living Will. Many people choose to complete both documents.

### Will my caregivers accept what I have written in my Living Will and/or Durable Power of Attorney for Health Care?

Most states authorize your physician and hospital to rely on the decisions of the agent you name in a Durable Power of Attorney for Health Care. However, you must remember that they are NOT REQUIRED to do so, nor to abide by what you have written in a Living Will. You should discuss these issues with your physician when you are preparing these documents.

### Where can I get forms for Living Wills and Durable Power of Attorney for Health Care?

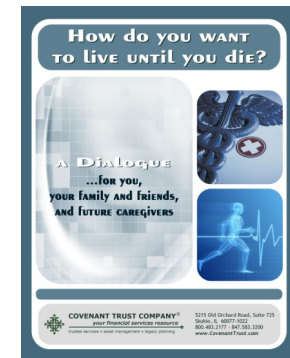
Your doctor's office or local hospital will usually have the appropriate forms for your state. Some forms are available on-line, but make sure they are the most updated versions, and are accepted in your state. Your legal counsel can also help you prepare these documents.

### What if I travel a lot, or have a seasonal home in a different state?

Check the laws in the state where your seasonal home is located, and make sure you also have documents that comply in that state. If you move, it is always best to have documents that comply in your current state of residence. If you travel, make sure you have your Living Will and/or Durable Health Care Power of Attorney documents with you. Some states have a "Surrogate Health Care Act" which allows a family member or friend to direct health care for a person unable to make their own medical decisions. This is not a universally recognized act; and *should not be relied upon* for medical decision-making.

### Is there anything else I need?

*How Do You Want To Live Until You Die...A Dialogue* is a multi-page form that provides an opportunity for each individual to write down his/her feelings about specific issues relating to health care and quality of life. A discussion of these and other topics can provide important information for those who might have to make health care decisions for you. By talking about these issues ahead of time, family disagreements may be minimized. And if such decisions do need to be made, the burden of responsibility may be eased because others feel confident they know your wishes. Decision makers need this information to provide a solid basis for difficult decisions. **While this may not be a pleasant subject to discuss with your family, it is important to communicate what your wishes are to several family members.** This *Dialogue* form is available from our office or from your local Financial Services Representative.



Nothing contained in this brochure is intended as legal advice. Laws and procedures are constantly changing, are subject to different interpretations, and differ from state to state. You should ALWAYS consult your personal legal counsel for advice in your specific situation.