

LANNING FOR MEDICAL DECISION MAKING

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**Timothy P. Crawford past Board Member and Current Member of the
National Academy of Elder Law Attorneys**

*** Attorney Timothy P. Crawford has
been Board Certified as an Elder
Law Attorney by the National Elder
Law Foundation which has been
approved as the Sole Certifying
Organization for Elder Law Attorneys
by The American Bar Association**

This pamphlet is issued to inform, not to advise. This pamphlet is not intended to render specific legal advice. For specific legal advice, see Attorney Timothy P. Crawford.

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The Issue

Medical science has made it possible for people to survive illnesses or injuries that used to be fatal. Medicine is able to keep people alive who would be dead except for life-sustaining machines or the artificial provision of nutrition and water through tubes or other techniques. Often there is quantity of life, but no quality of life. Once such heroic care is begun, who is able to make the decision to stop it and allow the patient to die?

Until recently, the decision often rested with the patient's family members acting in consultation with the patient's physicians. Because of questions of possible legal liability and because of changing relationships between doctor and patient, such informal arrangements are not usually possible any more. The courts are often asked to appoint a Guardian to make health care decisions for a person unable to do so himself. This can be expensive, time-consuming and can lead to decisions that might not reflect the personal wishes of the patient.

These questions arise not only with regard to life and death matters, but are involved any time there is a patient unable to make or express decisions about medical care, personal matters or possible institutional placement.

There are legal tools available to give someone authority to make and enforce such decisions for you if you become disabled.

What You Need To Know

If you are concerned about how your personal affairs are conducted, how your personal care is arranged for or how your medical decisions are made if you become disabled, there are several actions you can take now to assure that your own preferences are honored.

First, you should consider naming someone as your **Agent** in a **Health Care Power of Attorney**. This document, now recognized everywhere in the United States, allows you to designate someone (as well as at least one Alternate) to have legal authority to grant or refuse any consents needed to obtain or refuse any kind of medical or health care treatment. The Power of Attorney can be very specific as to what the Agent may approve or refuse or it can be very general, relying on the Agent's discretion. Such a Power of Attorney is always revocable and amendable at any time. The Agent will be able to review your medical records, consult with your caregivers and sign any forms that may be needed to assure care according to your preferences.

Who Should Have A Power Of Attorney?

Every person 18 years of age and older should have a Power of Attorney. At 18, a parent loses the right to make health care and financial decisions for their child. Only the Court can make the decision. The decision the Court will make will be bad. You may want to order a Power of Attorney for your child or grandchild. You may want to buy a gift certificate for a Power of Attorney from Attorney Timothy P. Crawford, and give it to your adult child or grandchild.

The Role Of The Elder Law Attorney

In dealing regularly with older clients and their families, the Elder Law Attorney has frequently confronted the issues of personal control of health care decision making. The Elder Law Attorney is familiar with the issues facing older clients as they make plans for their estates, their health care and their financial well being. Elder Law Attorneys are able to assist in providing an integrated plan to meet these and other special needs.

Where To Go For Help

There are pre-printed forms available for a Health Care Power of Attorney.

At no charge, you can obtain a Health Care Power of Attorney from the Division of Health in Madison (online) or from your hospital. In 15 minutes, you can complete the document on your own without the need for legal assistance. Attorney Timothy P. Crawford provides, without a fee, a kit to his clients to assist them in completing the form. At the time that Attorney Timothy P. Crawford counsels you about the choices available to you. He will also discuss the considerations involved in selecting your agent and alternate agent. You will learn about special limitations on such documents in Wisconsin. Attorney Timothy P. Crawford will assist you so that all of the formalities involved in signing your document are properly carried out.

Finally, Attorney Timothy P. Crawford will instruct you about the distribution of the copies of the signed document. The document will be of no value if no one knows of its existence.

What Is A Certified Elder Law Attorney?

Less than 20 attorneys from the state of Wisconsin have passed the national exam out of over 800 Elder Law Attorneys that we have in the state of Wisconsin.

Attorney Timothy P. Crawford was the first Attorney to have passed the exam to become **Board Certified**. He has been **Nationally Board Certified** as an **Elder Law Attorney** by the National Elder Law Foundation which has been approved as the Sole Certifying Organization for Elder Law Attorneys by the American Bar Association.

What Is Your Next Step?

To get more information concerning the above, call for your free conference. Please call Attorney Timothy P. Crawford at 262-634-6659. We have offices located in Brookfield, Glendale, Milwaukee, Oak Creek and Racine.