Tomorrow May Come Sooner Than You Think…

We recently had a new client come to see us regarding life care planning at the urging of her children. She was the primary caregiver for her husband who has advanced dementia and needs 24-hour care. She was in good health and felt she was managing well for the moment but was interested in beginning a discussion about what her options would be if his care needs increased or if something happened to her.

When reviewing her legal documents, we noted that both had powers of attorney, although there was no backup agent named for him if she couldn’t manage the finances. She was named health care proxy for her husband, again with no backup if she couldn’t make decisions for him. She had completed a POLST form for him with a DNR order. She did not have a health care proxy or a living will. As so often happens, the concern had been centered on the spouse with health problems and there was no plan in place for what would happen if the spouse caregiver had a health emergency.

Life Care Planning
Unfortunately, this was a rare instance when the worst-case scenario happened before we could complete a life care plan for her. While in our office at that initial meeting she had a stroke and had to be rushed to the emergency room. Her children are in the position of making life and death decisions for their mom without her wishes being documented. No one has the specific legal authority to make these decisions, so if there is disagreement amongst the children, there may need to be court involvement. They are also scrambling to make care arrangements for their dad and none of them have the legal authority to do so because no one was named as a backup on their dad’s documents.

While a situation like this is a tragedy, no matter how much life care planning has been done, there are several lessons to be learned:

**Have Your Legal Documents in Place**

Make sure you have a power of attorney and health care proxy in place before you have any health issues. Make sure there is a backup agent on both documents.

**Have a Conversation About Your End-of-Life Wishes With Your Health Care Proxy**

Your health care proxy’s job is to express your health care wishes if you are not able to do so for yourself. It is never easy to decide to withhold life support treatment, but your proxy will have some peace of mind knowing it would be your choice.

**A Healthy Spouse Should Consider an Emergency Response System in the Home**

As horrible as it is that this happened in our office, it would have been worse if she was home. She would not have been able to get to the phone and her husband is too cognitively impaired to call for help. She could have been on the floor for a long time without treatment and quick treatment can make a huge difference when someone has a stroke.

**Make Sure Someone Knows About Your Medical Conditions and Medications**

Our client was well organized about her husband’s medical conditions. She brought a list of his diagnoses and medications. Unfortunately, she was not so organized for herself and her children were not able to give information to the ER physicians about her medical history and medications.

**Make Sure Someone Understands Your Finances and How Your Bills Are Paid**

Our clients’ children not only have to deal with all the issues surrounding their parents, but also must keep their home functioning. Luckily one of the children was designated as power of attorney, but he has very limited knowledge about their finances and how their bills are paid. When one parent is healthy, it is not unusual
for the kids to not be privy to details like passwords and account numbers. But having this information and planning for the unexpected can make it so much easier in an emergent situation.

**Make Back-Up Life Care Plans**

This client was taking the right steps and no one could have foreseen that this vibrant caregiver would have an unexpected life-threatening health crisis. However, if we had been able to complete our life care planning, the adult children would have had a contingency in place for dad’s care which would have made this tragedy just a little less overwhelming.

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