

The Legal Strategist

S. BARRETT P.C.

WWW.SBARRETLAW.COM

THIRD QUARTER 2019

TEXAS ESOTERIC FACTS

While it's only human nature to want to avoid thinking about unpleasant subjects, it is important to consider what would happen if you became unable to make decisions for yourself due to incapacity or illness. An advance directive tells your doctor and caregivers what kind of care you would like to receive even if you become unable to make medical decisions. If that should happen to you, making decisions about your medical care will be easier if you've previously identified someone to speak on your behalf and have expressed clear wishes about your care.

The most popular snack foods in Texas are Frito pie (a bag of Fritos mixed with chili, onions, and cheese eaten straight from the bag), peanuts in Dr Pepper, beef jerky, jalapenos, and corn dogs.

The Feature Topic is a cursory review. If you would like more information on this, or any other topic previously covered in my newsletter, which can be viewed on [The Legal Strategist](#) tab of my web site, please contact my office at 713.526.1883.

Scott Barrett

FEATURE TOPIC:

ADVANCED DIRECTIVES

Physician Directives and a Medical Power of Attorney (MPOA) are legally binding documents outline your wishes regarding life support, resuscitation and other interventions for both your health care team and family members.

When should I make advance directives?

Some people make advance directives when they are diagnosed with a life-threatening illness; others put their wishes in writing while they are healthy.

How does it help my loved ones?

Too often, when loved ones are left guessing what should be done, the result is guilt, uncertainty and arguments. By making your wishes known, you can help your loved ones feel more comfortable with your choice of care.

What are the types of advance directives?

There are two types of advance directives: Physician Directives and a MPOA which designates a health care surrogate. Both forms can be changed at any time, and it's a good idea to update them periodically.

Physician Directives:

Physician Directives tells your medical team and your family what treatments you want to receive or refuse, and under which conditions. Your physician and your health care surrogate are required to follow all wishes contained in your Directives. Physician Directives are enacted only when your attending physician and a consulting physician determine that you are unable to make your own medical decisions and are unlikely to regain this ability and you are in a terminal persistent vegetative state, an end-stage condition, or in any other condition that you specified in your Directives.

Medical Power of Attorney:

The designation of health care surrogate via your MPOA allows you to appoint someone to make decisions on your behalf when you're unable to do so. It's different than a regular durable power of attorney, which only covers financial matters. Also, it's best if you appoint someone who knows your wishes and is willing and able to carry them out, especially regarding your personal, spiritual, moral and cultural beliefs. In the event that you're incapacitated, your health care surrogate will have the authority to make all medical decisions related to your health care. This includes decisions about when to withhold or withdraw life-prolonging procedures. Designation of health care surrogate takes effect as soon as your physician deems that you're unable to make your own health care decisions.

HIPPA Release: Additionally, a signed HIPAA release form must be obtained from a patient before their protected health information can be shared with other individuals

If you would like more information on this or any other topic relating to a Physician Directives, a Medical Power of Attorney, or a HIPPA Release, please contact [Scott Barrett](#) to set up a consultation.