

WHAT IS OHIO ADVANCE CARE PLANNING?

"We know how important planning for the future is; especially when it comes to retirement. It's not as simple as socking away money for life after retirement."



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Life has a way of dealing surprises we never dreamed – and not all of them are good surprises, which makes it that much more important to plan ahead. Advance care planning is one of those processes that can be subjective; no two people define it quite the same, though everyone understands the problems that come with an absence of a plan.

It requires a lot of sacrifice and attention to detail if we're to avoid the repercussions that come with the absence of a fully-thought out plan. The good news is that advance care planning can be custom created to fit our current and anticipated needs.

Did you know*...

- Most people say they would prefer to die at home, but only one-third of adults have an advance directive expressing their wishes for end-of-life care.
- Among those 60 and older, that number rises to about half of older adults who have an advance care directive.
- Only 28 percent of home health care patients, 65 percent of nursing home residents and 88 percent of hospice care patients have an advance directive on record.
- Even among severely or terminally ill patients, fewer than 50 percent had an advance directive in their medical record.
- Between 65 and 76 percent of physicians whose patients had an advance directive were not aware that it existed.

*Centers for Disease Control

Understanding Advance Care Planning



Advance care planning, in short, is simply making solid plans for the potential of long term illnesses. Ideally, we never have to put those safety mechanisms to the test, but there is a powerful peace of mind when you know you've covered those bases – not to mention the elimination of worries of your family. A plan relieves your family members from wondering if they "did the right thing" on your behalf. Further, it provides your health care team the information on your preferences and if you would want life-sustaining measures if there appeared to be little likelihood of your recovery.

By making those advance care decisions, you're better able to take a realistic approach to understanding the repercussions of health problems.

An advance directive can include the name of the individual whom you have chosen to speak and make decisions on your behalf. This person, your "health care proxy" or "durable power of attorney for health care" should be someone you trust and someone who understands and will strive to honor and carry out your wishes.

Communicating with Family

You may wish to discuss any genetic or hereditary diseases that could affect you. Be sure to include these in your advance care directive, including which tests, procedures and medicines you're OK with. This lifts a lot of the uncertainty from your family. It also allows you to put into place medical healthcare directives so that your wishes are met every step of the way while also ensuring your loved ones aren't making the difficult calls associated with life sustaining treatments. Your estate planning lawyer will be able to help you determine whether a guardianship would benefit your specific needs and whether a Do Not Resuscitate (DNR) order is something you'd like to include.

Even the most carefully prepared directive is no match to open communication with your family. Letting them know your wishes is important, but it's also important they know you've outlined your decisions in a legal document.

You may also wish to let them know who you've chosen to make financial and health decisions on your behalf should that time ever come. This is especially important since whoever is named is the only one who can legally request information from healthcare providers and insurance companies. New HIPAA laws play a big role in how information is shared.

Paying for Long Term Care



If you've not considered long term insurance, it can help offset the growing costs of health care, hospital stays and any prescription drugs you require.

Also, Medicaid and Medicare could play a role in your future planning. Advance care planning must include a

realistic approach in terms of the costs associated with medical care. Most have insurance, whether it's private, Medicaid or Medicare, but there are always expenses that fall to the consumer/patient.

We encourage our clients to keep all of these documents – powers of attorney, insurance policies, health care directives, and other financial and medical documents – in a safe place, but where your chosen caregivers can access them (remember, many physicians are unaware of their patients' advance care plans).

Many family members pool together resources to ensure their elderly loved one has the medicine he needs, only to realize later that he had an insurance policy that would have covered those expenses. Many are simply unaware that a loved one has those financial and medical protections in place.

It always come down to planning. If we can help with your estate planning efforts or provide guidance for your advance care planning, we welcome the opportunity to do so.

About the Author



Barry Zimmer

Barry H. Zimmer founded THE ZIMMER LAW FIRM in June 1993, to practice in the areas of estate planning, estate administration, and business succession planning. His goal was and continues to be helping clients understand and de-mystify the often confusing world of estate planning in an ever-changing society, and to implement effective estate planning with minimal effort and time investment. The firm works from the belief that planning should always be driven by purpose. As a result, there are no "canned" or pre-set planning solutions. Instead, Zimmer helps clients identify their goals first and then build estate and business plans based on that understanding.

Barry has been in private practice since receiving his law degree from the University of Cincinnati College of Law in 1979. He earned his Bachelor of Arts Degree from U.C. with Honors, Magna Cum Laude and Phi Beta Kappa, in 1976. He was profiled in the 1990-1991 edition of Who's Who in American Law for contribution to the betterment of contemporary society, and has lectured numerous times on legal topics, and authored several articles and Special Reports on estate planning. He is a former guest columnist on Simply Money, on 91.7 FM, Wvxu. He makes occasional guest appearances on radio about estate planning topics, and has been quoted in newspaper articles and columns on estate planning matters.

In Mr. Zimmer's perspective, excellence in implementing trust-based estate plans is but one aspect of his responsibility to clients. Providing reliable guidance and service to families of clients who pass away is just as critical as sound planning at the front end. The firm is very active in settling trusts of all complexity and sizes, and handling probate cases and guardianship proceedings. Zimmer and his staff have successfully handled hundreds of trust estate cases, and are experienced in settling and distributing a wide variety of estate assets to heirs.

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