



**CHESAPEAKE**  
**LEGAL COUNSEL LLC**  
*Estate, Trust & Medicaid Planning*



2661 Riva Road, Suite 410A    29H Atlantic Avenue  
Annapolis, MD 21401    Ocean View, DE 19970  
410.266.1625    302.537.4559

[www.ChesapeakeLegalCounsel.com](http://www.ChesapeakeLegalCounsel.com)  
[info@robbertlaw.com](mailto:info@robbertlaw.com)


1



# Plan Your Care Care for Your Plan

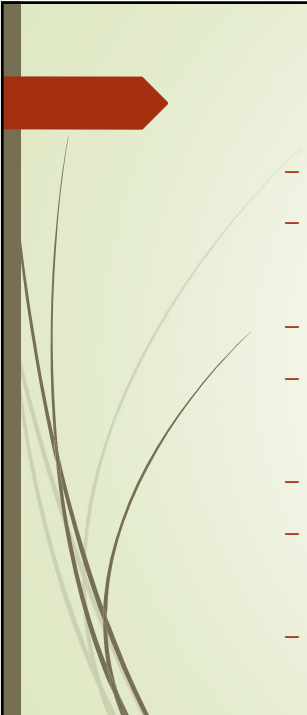
*Health Care Proxies and More*

2



- This webinar is designed for those who believe that one day they might die – and who want to be proactive in planning for that event. Too many people view death as a one-and-done happening when in actuality for most people it is a discernable process that can be shaped and configured. Like any process that needs to be mastered, it takes forethought, planning and action. This webinar is step one.

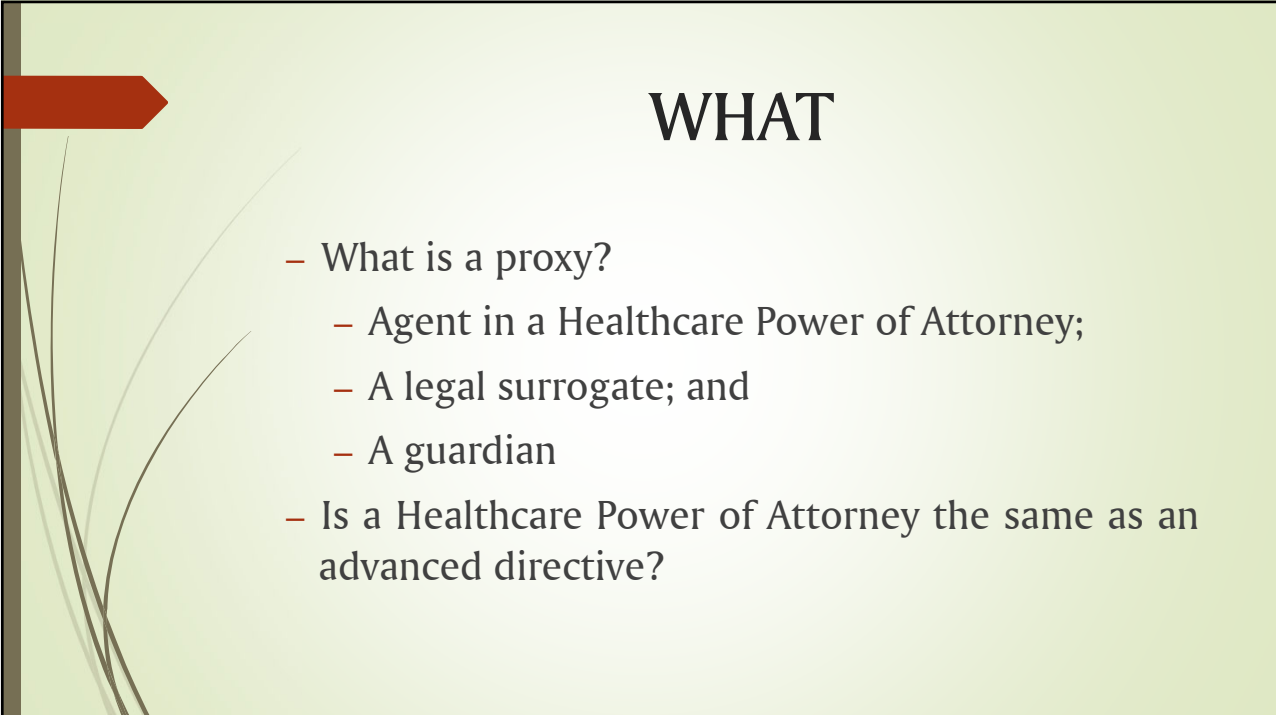
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## WHY

- 95% of people want to talk about end of life wishes
- 32% have actually done so
  
- 80% of people would like to talk to their doctor about their wishes
- 18% have actually done so
  
- 97% of people say that it is important to put their wishes in writing
- 37% have actually done so
  
- Half of the people over 65 who are admitted to a hospital are unable to make decisions for themselves.

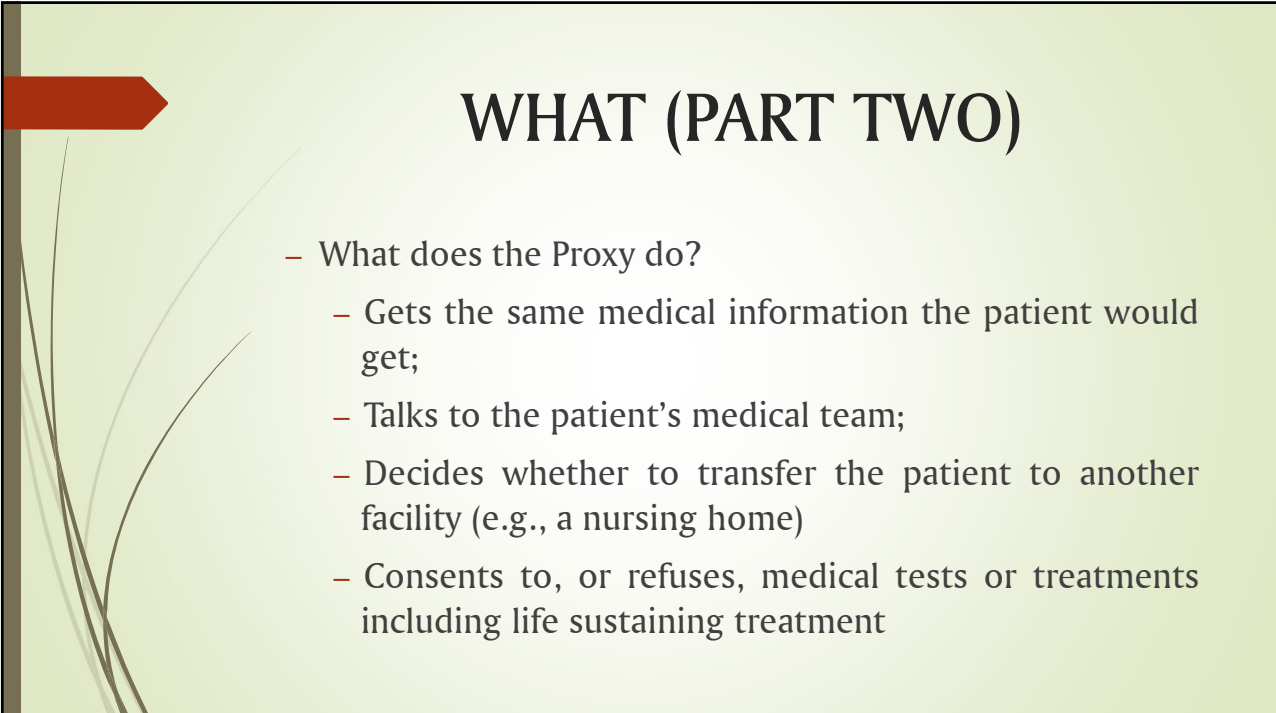
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## WHAT

- What is a proxy?
  - Agent in a Healthcare Power of Attorney;
  - A legal surrogate; and
  - A guardian
- Is a Healthcare Power of Attorney the same as an advanced directive?

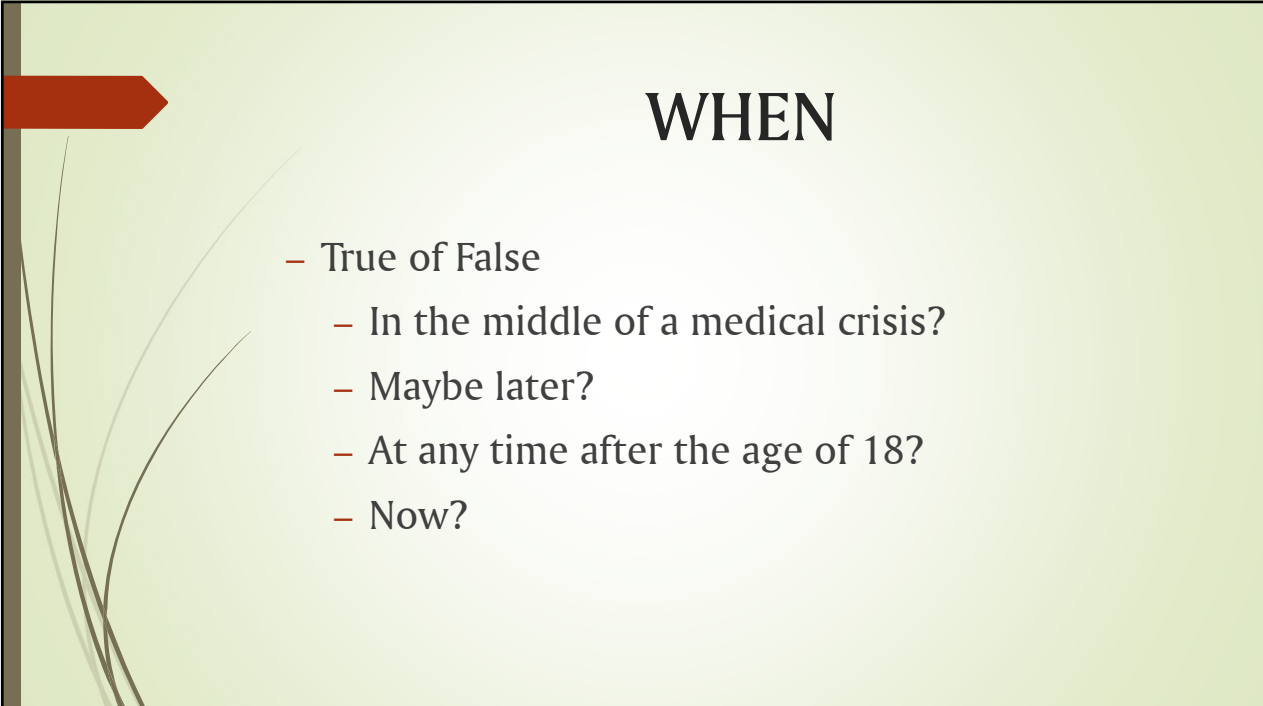
5



## WHAT (PART TWO)

- What does the Proxy do?
  - Gets the same medical information the patient would get;
  - Talks to the patient's medical team;
  - Decides whether to transfer the patient to another facility (e.g., a nursing home)
  - Consents to, or refuses, medical tests or treatments including life sustaining treatment

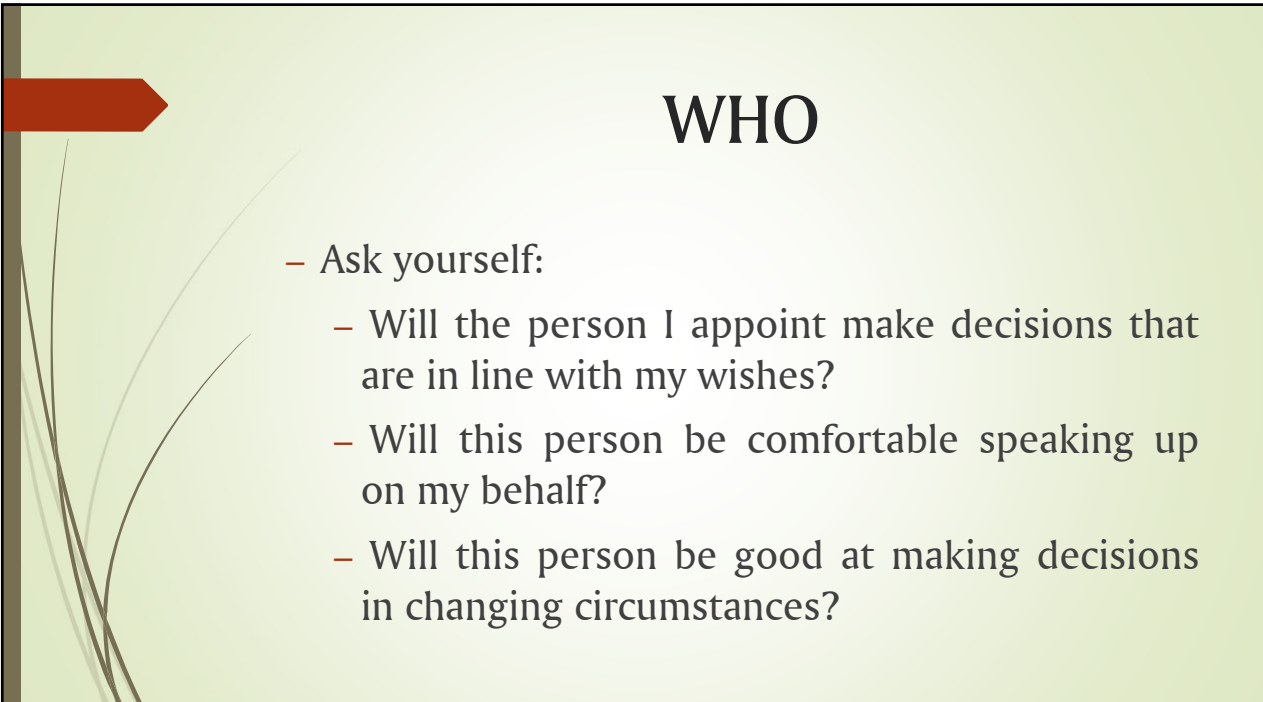
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## WHEN

- True or False
  - In the middle of a medical crisis?
  - Maybe later?
  - At any time after the age of 18?
  - Now?

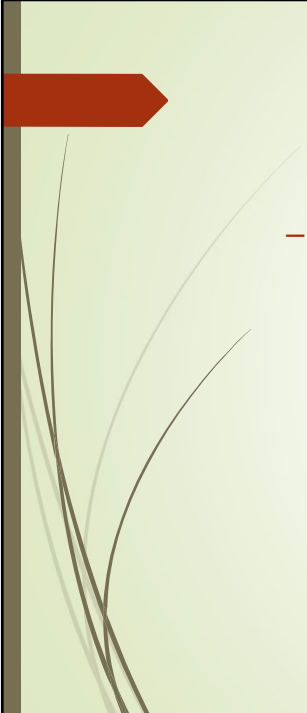
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## WHO

- Ask yourself:
  - Will the person I appoint make decisions that are in line with my wishes?
  - Will this person be comfortable speaking up on my behalf?
  - Will this person be good at making decisions in changing circumstances?

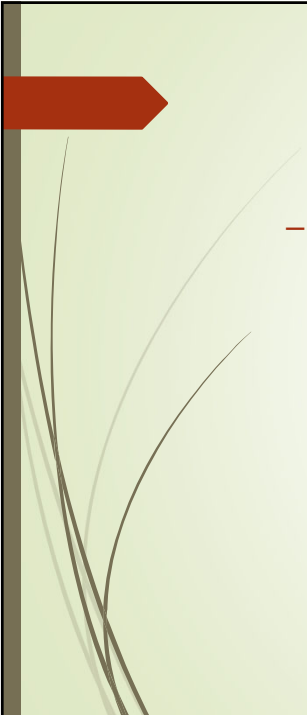
8



## HOW

- Multiple choice test:
  - My family knows how I feel about this and what my wishes are -- and they are all always in agreement with each other!
  - I have an “advanced directive.
  - I have a living will.
  - I have had a conversation to explain my wishes -- and I put those wishes in writing.

9



## THE CONVERSATION

- You don't build a garden without using a shovel – tools are available (or any metaphor where we can find a picture).
  - Talk to yourself first – get your thoughts in order.
  - Put some ideas in writing.
  - Practice with a friend.
  - Keep talking – this is a process.

10



## THE TOOLS

- There is plenty of help on the internet to walk you through the process:
  - [www.prepareforyourcare.org](http://www.prepareforyourcare.org)
  - [www.theconversationproject.org](http://www.theconversationproject.org)
  - [www.chesapeakelegalcounsel.com](http://www.chesapeakelegalcounsel.com)
  - [www.oag.state.md.us/healthpol/proxies\\_definition.pdf](http://www.oag.state.md.us/healthpol/proxies_definition.pdf)
  - <https://www.nhpco.org/patients-and-caregivers/resources/>
  - [www.hospicegiving.org](http://www.hospicegiving.org)
  - [www.agingwithdignity.org](http://www.agingwithdignity.org) (Five Wishes)
  - <http://www.dhss.delaware.gov/dsaapd/advance1.html>
  - <https://speakeasyhoward.org/>

11



## WHEN THINGS GET WORSE

- MOLST: Medical Orders For Life Sustaining Treatment
- DNR: Do Not Resuscitate

12



## COVID-19

- If you are in a high-risk category because of age or other infirmity and you became very sick with Covid-19, would you:
  - Prefer to stay where you live or go to a hospital?
  - If in the hospital, would you want to receive intensive care?

13




## CLOSING THOUGHTS

- “We know that individuals who have conversations with their clinicians about their values, goals and wishes are more likely to receive the care they want, have fewer non-beneficial medical treatment, and report better quality of life.
- And yet, less than one third of patients with end-stage medical diagnoses discuss their goals and preferences with their clinicians. When these conversations do occur, they often take place late in the course of illness when there is little time to translate them into meaningful actions.”

- Ariadne Labs: *The Conversation Project*

14




# Preserving & Transferring My Assets

Estate/Medicaid/VA Planning  
Trust  
Wills  
General Power of Attorney  
Medical Power of Attorney  
Funding

Design Meeting      Signing Meeting      Funding Meeting

15



“Life should NOT be a journey to the grave with the intention of arriving safely in an attractive and well preserved body, but rather to skid in sideways, chocolate in one hand, latte in the other, body thoroughly used up, totally worn out and screaming: “WOO HOO, WHAT A RIDE!””

16





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17