NEW HAMPSHIRE ADVANCE CARE PLANNING

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DANIEL A. DEBRUYCKERE
NEW HAMPSHIRE ESTATE PLANNING ATTORNEY

More than ever, Americans are focused on better planning strategies for their future. This includes both financial and medical planning efforts. Making plans today for the healthcare you want to receive should you become seriously ill or incapacitated is referred to as advance care planning. A number of dynamics come together to provide you and your family the peace of mind in knowing that those bases are covered. Planning involves learning about your illness and understanding your choices for treatments and care; but that's just the proverbial tip of the iceberg. Fortunately, you probably have options you haven't considered.

INCAPACITY PLANNING

It may seem as though incapacity planning and advance care planning are the same thing. While there can be some crossover, each serves a different purpose in a number of ways.

Incapacity planning is part of an estate plan that allows you to provide specifics on how you wish to be cared for in terms of who you wish to pay your bills, who will buy groceries and who will make other decisions associated with your daily life. This wishes are typically included in a financial power of attorney. It can also include more long-ranging decisions, such as buying or selling real property. Incapacity planning often includes revocable living trusts, healthcare power of attorney, financial power of attorney, guardianships and more.

A guardianship, or conservatorship, as it's sometimes referred, is a court ordered proceeding that decides who will handle the affairs of someone who cannot make those decisions for himself, whether it's a temporary illness or permanent disability.

MEDICAID OR PRIVATE INSURANCE

One of the most confusing elements associated with advance care planning is the role Medicaid and other government programs play. Many believe they either cannot qualify for Medicaid or that by applying, they must surrender their assets,

especially if one will reside in a nursing home. It's true that there are ever-increasing compliance issues in the qualification stages, it's not nearly as bad as the misconceptions would suggest.

Remember, the strongest advance care planning efforts are those that are complete and with no vulnerabilities. Your estate planning lawyer will put into place the proper legal documents on your behalf. Expect to provide insight into matters such as what kind of care you want to receive (and don't want to receive), who provides that care, who will make medical and financial decisions on your behalf and what kind of extraordinary measures you would like to be made in order to save your life.

Also, your lawyer will explore your goals for procedures such as blood tests, x-rays, medications and surgeries. This will all become part of your overall healthcare directive, which will also include the ones you've chosen to make any of those decisions on your behalf.

NOW WHAT?

After you've put together your advance care planning efforts, there are a number of people who you'll likely be encouraged to tell. Of course, you want to provide your physician a copy of your healthcare proxy and/or living will. This will guide him in matters such as extending to you extraordinary life support measures. Be sure to tell key family members and friends where you keep a copy. If you have to go to the hospital, give staff there a copy to include in your records. Because you might change your advance directive in the future, it's a good idea to keep track of who receives a copy.

Having the entire plan together is empowering. Be sure to review your advance care planning documents and decisions from time to time. We encourage our clients to review those plans annually, and if not, then certainly bi-annually. You never know when you might wish to revise your preferences for care if your situation or your health changes. Many clients, after receiving a serious diagnosis, will rethink those on their healthcare proxies. This is typically because they want to remove their spouse from a difficult perspective in lieu of someone who can better support the weight of the decision. Many clients, as they get older, say they don't want their wife or husband to carry the weight of telling the doctor to cease any type of life support.

Finally, remember that your plan changes if you get married, separated, or divorced; if your spouse dies; or if something happens to the one you selected as your proxy. This is applicable for the rest of your estate plan as well.

While these topics aren't pleasant, they're important. It's always better to have those mechanisms in place versus your family members facing tough choices in an already overwhelming time. By having the logistics out of the way, your family can focus on the important matters at hand.

If you'd like to learn more about your own advance care plan, contact the estate planning lawyers at DeBruyckere Law Offices, PC.

About the Author

Daniel A. DeBruyckere

Attorney DeBruyckere approaches each challenge not just with solid expertise, but also with a passion for helping others plan well for the future. As a husband with three children and two grandchildren, it's his own family experience that provides the motivation to ensure all of his clients are well protected. Besides his extensive background in the issues he specializes in, Dan's clients find that he genuinely cares about them, and that he pays attention to the details that matter to each person and their families.

EXPERIENCE

Attorney Daniel A. DeBruyckere has been practicing law in New Hampshire and Massachusetts since 1998, and has helped hundreds of clients with their estate planning and elder care isssues. He is very well respected in the area of estate planning, probate, trust administration, elder law issues, and business planning.

Admitted in Massachusetts and New Hampshire, Attorney DeBruyckere is a former adjunct faculty member of the Massachusetts School of Law and is a member and past president of the Greater Salem Bar Association. He is also a member of the Essex County Bar Association, Massachusetts Bar Association, New Hampshire Bar Association, as well as a member of the National Association of Elder Law Attorneys.

EDUCATION

Attorney DeBruyckere is a graduate of Southern New Hampshire University, summa cum laude, and Massachusetts School of Law, cum laude. He served as editor of the Massachusetts School of Law's Law Review and was a regional finalist in the American Trial Lawyers' Association Trial Advocacy Competition.

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