

Proper Drafting of POAs and Health Care Directives.....Lora R. Mount

I. POWERS OF ATTORNEY..... 1

- A. Basic Drafting Requirements.....(2 minutes)..... 1
- B. General Statutory Authority.....(2 minutes)..... 2
- C. Springing vs. Immediately Effective.....(2 minutes)..... 3
- D. Advising Clients on Appropriate Persons to Appoint as Attorney-in-Fact...(2 minutes)..... 4
- E. Appointing More Than One Attorney-in-Fact.....(2 minutes)..... 5
- F. The Importance of Naming a Successor.....(2 minutes)..... 5
- G. Impact of Court Appointed Guardian on Power of Attorney.....(2 minutes)..... 6
- H. Additional Provisions to Consider.....(2 minutes)..... 6
 - I. Provisions Regarding Revocation.....(2 minutes)..... 7
- J. Remedies Available When Financial Institutions Refuse to Accept the POA.(2 minutes).... 7

II. HEALTH CARE DIRECTIVES..... 8

- A. Appointment of Health Care Representative.....(2 minutes)..... 8
- B. HIPAA Releases.....(2 minutes)..... 9
- C. Guides for Making Health Care Decisions.....(2 minutes)..... 9
- D. Living Wills.....(2 minutes)..... 10

III. PRACTICE TIPS REGARDING POAs AND HEALTH CARE DIRECTIVES GENERALLY..... 11

(2 minutes)

Objectives: To understand basic drafting requirements, optional provisions, varieties, warnings, and and uses for financial powers of attorneys and health care directives.

Difficulty level: moderate

POST DEATH RESPONSIBILITIES: Advising Your Client Regarding Funeral Planning, Organ Donation, and Donation of Body to Science.....Lora R. Mount

I. Appointment of Health Care Representative vs. Power of Attorney...(4 min)...1

- A. Medical Consent Statute.....(1 minute) 1
- B. Power of Attorney Statute.....(1 minute) 2

II. Funeral Planning..... 2

- Priority for Decision Making Pertaining to Funeral Planning...(2 min) 2
- B. Indiana’s Cremation Statute.....(2 min) 3

III. Anatomical Gifts.....(2 min)..... 4

- A. Anatomical Gift Defined.....(4 min)..... 4
- B. Priority for Decision Making Pertaining to Anatomical Gifts... (4 minute)..... 4

B.IV. Organ Donation.....(2 min) 6

- A. Indiana’s Organ Procurement Organization.....(4 min)..... 6
- B. Age/Suitability for Donation.....(2 min)..... 7
- C. Advising the Client and Appointed Health Care Representative...(2 min).7
- D. Effects of Organ Donation on Funeral Planning.....(2 min)..... 7

V. Donation of Body to Science.....(2 min)..... 8

- A. State of Indiana Anatomical Education Program.....(4 min)..... 8
- B. Advising the Client and Health Care Representative.....(4 min)..... 9

VI. Advantages of Organ Donation/Donation of Body to Science.....	(2 min).....	9
VII. Funeral Planning Declaration.....	(2 min).....	10
A. Form.....	(2 min).....	10
B. Signing a Funeral Planning Declaration.....	(4 min).....	10
C. Immunity from Liability.....	(4 min).....	11
D. When Should Your Client Consider Signing a Funeral Planning Declaration.....	(2 min).....	11
VIII. Conclusion.....	(2 min).....	12

Objectives: To understand the power that appointed representatives after the death of a decedent regarding funeral planning, and other legal post death responsibilities.

Level of difficulty: Easy/moderate

Medicaid Myths

Basics of Medicare coverage- 5 minutes

Common problems with Medicare coverage for rehabilitation stays- 2 minutes

Medicaid basic rules for nursing home coverage- 3 minutes

Myth 1- giving away assets to qualify for Medicaid- 3 minutes

Myth 2- the nursing home/government will take my house- 3 minutes

Myth 3- getting a divorce to qualify for benefits- 3 minutes

Myth 4- a revocable living trust will protect my assets- 3 minutes

Myth 5- planning for future Medicaid coverage- 3 minutes

Steps to take now to plan ahead- 5 minutes

Objectives: To understand the basic misconceptions about the Medicaid program and to recognize when Medicaid becomes an option for individuals in nursing home settings.

Difficulty level: moderate