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## WEALTH MANAGEMENT GROUP

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*of Wells Fargo Advisors*

### **Who will manage your health care if you can't?**

If you're unable to advocate for your own health care wishes due to an illness or injury, how can you be sure you get the care you want? If you become hospitalized or enter a long-term care facility, how can you be sure your loved ones have visitation rights, regardless of relationship or sexual orientation?

These questions are particularly important for LGBTQ couples if you're not married.

Having a health care power of attorney, living will, and visitation directive can make for smoother sailing for you and your loved ones.

### **Health care power of attorney**

Also known as a health care proxy, this document identifies the person (known as your agent) designated to make health care decisions for you if you can't. Having this document can be particularly helpful if your chosen agent is not your legal spouse.

As you create your health care power of attorney, discuss your wishes with whomever you choose so they have solid direction to rely on for potential decision-making. You might also want to let other friends and family know the individual you've chosen as an agent so they will be less likely to question that person's authority to make decisions later.

It's actually a good idea to name multiple agents. For instance, if you and your partner name each other as agents and you are both involved in a serious car accident, you both will need to have a backup, or successor agent, listed.

If you're transgender, you may want to include instructions that health care providers respect your gender identity as well. While any provider receiving federal funding is required to do this, having it in writing can make it easier for your agent to advocate for you.

### **Living will**

A living will provides information on the types of life-sustaining measures you do (or don't) want taken on your behalf. This could include instructions related to resuscitation, feeding or breathing tubes, and pain medication.

Having a legal document provides direction not only for health care providers but also for your loved ones. It can help them make difficult decisions at a difficult time — and may help settle any disputes that might arise if someone questions your wishes.

It's a good idea to let friends and family know your preferences. This can reduce potential stress and gives you an opportunity to discuss your choices with anyone who may raise objections.

### **Visitation directive**

According to federal law, no hospital or long-term care facility can deny your wishes regarding who can visit you if their decision is based on sexual orientation or gender identity. That doesn't mean your loved ones will never face resistance. To ward off that possibility, your attorney can draft a visitation directive that puts who can visit you in writing. The directive can also include your instructions regarding whom you do not wish to visit you, whether it's an individual or a group of people.

### **You should take it with you**

It's not enough to simply have health care documents. You also need to make sure they're easily accessible if needed. Many experts recommend you carry copies of your health care and durable powers of attorney, living will, and any marriage/civil union/domestic partnership certification when you travel.

If you're not keen on packing all of that paperwork, consider storing a digital form on your mobile device or a memory stick. At the very least, bring copies along if you're traveling outside your home state or to foreign countries. You may also want to provide your agents, primary care physician, and nearby hospitals with copies. And make sure your loved ones know where to find the documents, just in case.

### **There's more**

While these documents are perhaps the most important — and you might call the health care power of attorney and living will essential — there are others you might want to consider.

For instance, you can create a document regarding who has authority to give burial instructions on your behalf. Your state's laws will define what documentation is appropriate in your state.

You should also be sure to identify in writing who can request and receive medical information about you from your health care providers. This direction is related to the Health Insurance Portability and Accountability Act (HIPAA) and may require a separate release or may be included in one of your other health care documents.

To make sure your bases are covered, talk with an estate planning attorney about the documents you need in your state. But don't stop there. Review your documents on a regular basis and update them as needed. Keeping your documents current can help ensure you stay in control of your health and your wishes, no matter what life brings your way.

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