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LAW & MEDIATION
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October 2020

COVID-19 As a Motivator.

Estate planning involves so much more than getting a will. In fact, most estate plan documents address circumstances which arise during your life. One such vital planning document is the Health Care Power of Attorney (“HCPOA”). It has taken the severe and far-reaching impacts of COVID-19 to pique my clients’ interest in HCPOAs.

With the background of the uncertainties brought about by this pandemic, let’s take a deeper look at one aspect of HCPOAs: the Health Care Agent (“Agent”). In the HCPOA, you name the person(s) to make medical decisions on your behalf if you are too ill or you are unable to communicate. The Agent will have the power to consent to treatment plans, accept or refuse treatments, and decide upon the medical care providers and facilities for you. The Agent should be guided by your instructions in the HCPOA. Consider the following factors in selecting your Agent:

Emotional Maturity. When called upon, the circumstances will be stressful for the Agent. The Agent needs to be able to think and act rationally in an emotional environment. The person needs to be your advocate even if differing opinions are offered by loved ones.

Location and Willingness. Ideally, the Agent should be close by and able to act on your behalf in the event of an emergency. The Agent may also need to function over an extended period with access to you critical. In this regard, the role could prove to be time consuming and emotionally draining. The Agent needs the time to advocate for you.

Honoring Your Wishes. The Agent’s duty is to make decisions in accord with your instructions, even if the Agent disagrees with your wishes. The Agent must be someone who can set aside his or her own opinions and carry out your instructions no matter what.

Selecting an Agent could prove tricky. We can assist in this choice as well as other choices to set up your estate plan. Contact Michael Geiger at Geiger Law & Mediation for assistance with these and all your estate planning needs.

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