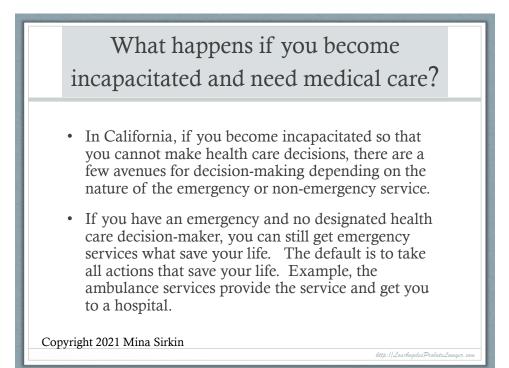
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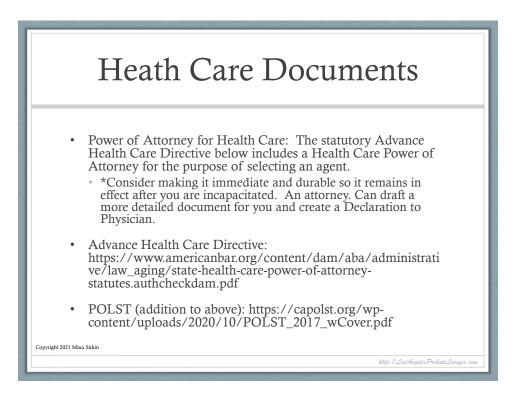
Mina N. Sirkin Certified Specialist Estate Planning Lawyer Los Angeles Sirkin Law Group, P.C. 21550 Oxnard St. #300 Woodland Hills, CA 91367 818-340-4479 Email: <u>MSirkin@SirkinLaw.com</u> <u>http://LosAngelesProbateLawyer.com</u> Coyright 2021 Mina Sirkin, Los Angeles Health Care Guide



What If You Do Not Have Any Health Care Decision Documents

What if the person does not have an Advance Health Care Directive? If a person lacks the capacity to make decisions, the physician and health care team will usually turn to the most appropriate decision-maker from close family or friends of the person. The most appropriate decision-maker is that person who has a close, caring relationship with the person, is aware of the person's values and beliefs, and is willing and able to make the needed decisions. While most hospitals ask for the next-of-kin, **this person may or may not be the person's next-of-kin**. Make the decision yourself and create an Advance Health Care Directive.

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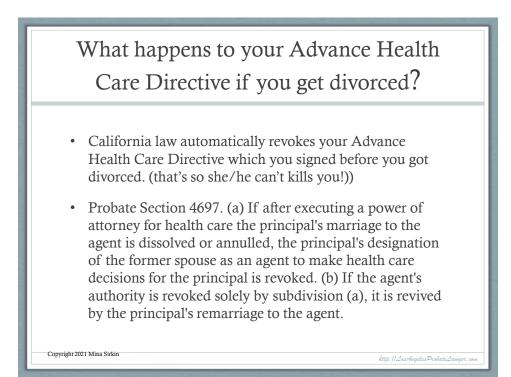


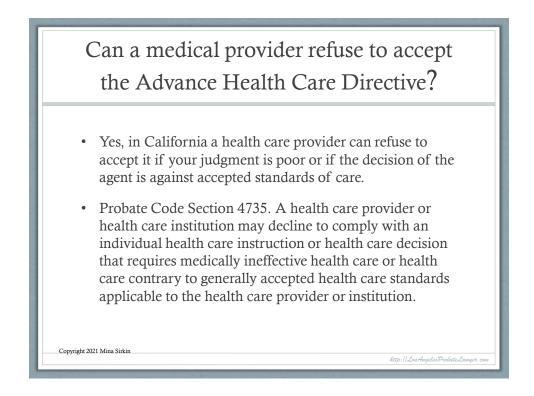
Is my Advance Health Care Directive Revocable?

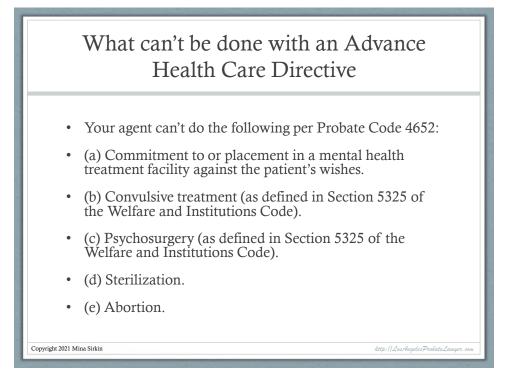
• Yes, so long as you are competent, you can revoke or change your Advance Health Care Directive.

Probate Section 4695. (a) A patient having capacity may revoke the designation of an agent only by a signed writing or by personally informing the supervising health care provider. (b) A patient having capacity may revoke all or part of an advance health care directive, other than the designation of an agent, at any time and in any manner that communicates an intent to revoke.

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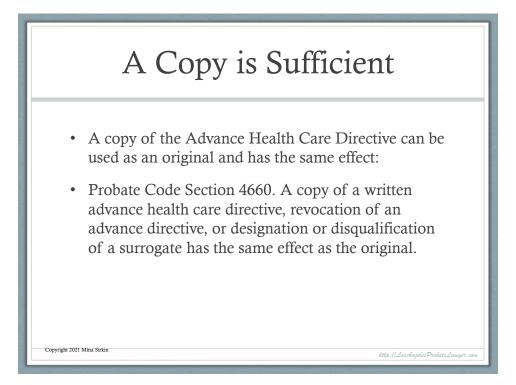


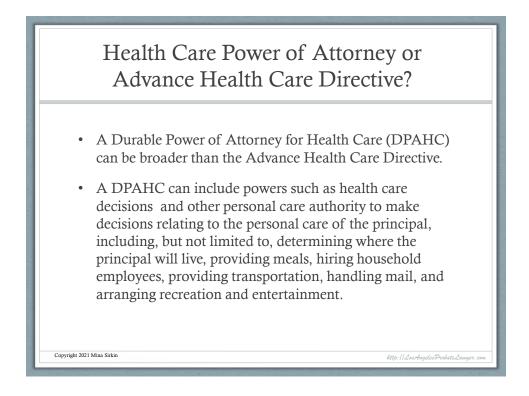


No Assisted Suicide

• Section 4653. Nothing in this division shall be construed to condone, authorize, or approve mercy killing, assisted suicide, or euthanasia. This division is not intended to permit any affirmative or deliberate act or omission to end life other than withholding or withdrawing health care pursuant to an advance health care directive, by a surrogate, or as otherwise provided, so as to permit the natural process of dying.

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You can nominate a conservator of person or estate in a DPA HC

• Section 4672. (a) A written advance health care directive may include the individual's nomination of a conservator of the **person or estate or both**, or a guardian of the person or estate or both, for consideration by the court if protective proceedings for the individual's person or estate are thereafter commenced. (b) If the protective proceedings are conservatorship proceedings in this state, the nomination has the effect provided in Section 1810 and the court shall give effect to the most recent writing executed in accordance with Section 1810, whether or not the writing is a written advance health care directive.

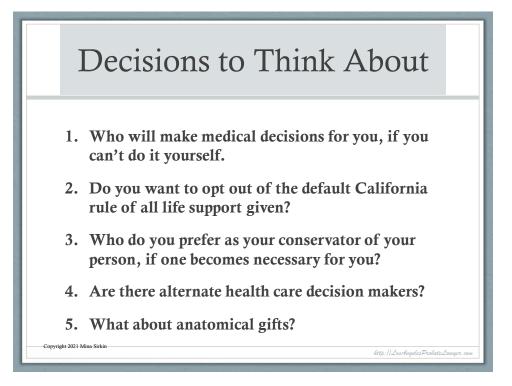
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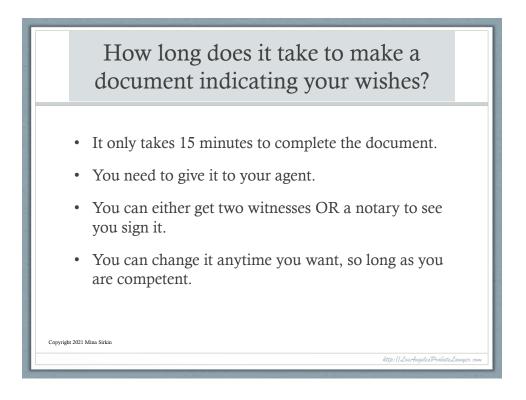
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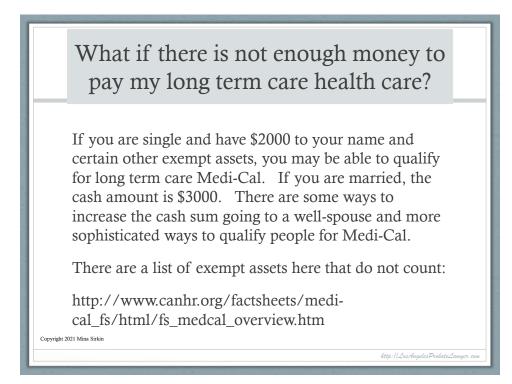
Documents indicating your choices and wishes

- Advance Health Care Directive OR
- Durable Power of Attorney for Health Care.
- Declaration to Physician
- Add a POLST to and Advance Health Care Directive or Durable Power of attorney. (does not replace those). A POLST does not create a decision-maker. It is an order to a physician or nurse practitioner.

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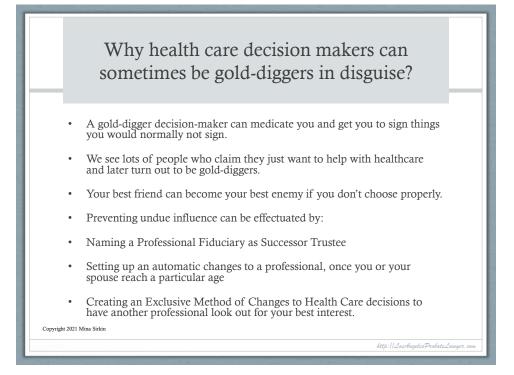




What happens if you leave more than one health care decision document?

- If the decedent left more than one health care decision, generally, there is a presumption that the last one governs, unless:
- You one can there was fraud, duress, mistake, undue influence, or lack of capacity at the time of execution of the will.
- In that case, there will be a conservatorship and the Court can decide who the best suitable person is to make personal or health care decisions for you.

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About Mina Sirkin, <u>Los Angeles</u> Probate Lawyer

- Mina N. Sirkin has been practicing probate law, trusts and conservatorship in Los Angeles County since 1992.
- Ms. Sirkin is a Board Certified Specialist in Probate, Estate Planning, and Trust Law in California.
- Frequent Media Expert on Estate and Conservatorship Cases in Los Angeles
- Appeared on CNN, CNBC, Inside Edition, RollingStone.com, KCET, NPR News

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