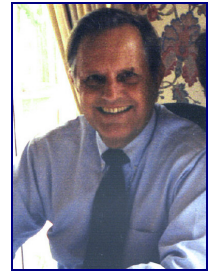


*from* **Chuck's Desk**

Affordable Business Services Inc.

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I welcome any comments or suggestions you may have.

Please call or e-mail me at your convenience.

*If you enjoy reading my newsletter, the highest form of compliment I can receive is a referral to your friends, family and business associates.*

**Chuck Donovan**

It seems every time I visit a doctor I am asked the same questions. Do I have the legal documents for health reasons? Do I know what to do if I experience heart attack symptoms when I am alone? You may hear the same questions.

This issue of "*from Chuck's Desk*" discusses these questions.

## *Legal Documents You Need For Health Reasons*

**Do you have the legal documents for health reasons - a durable power of attorney, a health care surrogate, and a living will?**

Most of us have a living trust, an estate plan or a will. We get these legal documents to legally control who gets our assets and possessions when we are no longer here.

If you have a car accident and die, your assets and possessions will be distributed efficiently according to the provisions of the legal document.

However, **if you have a car accident and end up in a coma, it is a different story.** Without the legal documents for health reasons State law does not provide an efficient process to take care of you if you live but are unable to make your own decisions because of an incapacitating illness or injury.

Eventually in a costly, time-consuming court procedure the State will find someone to take care of you. When you are most helpless, the courts will decide who can make life and death decisions on your behalf. It could be someone you would not have chosen or a stranger.

**These legal documents for health reasons are not just for senior citizens.**

**Everyone young and old should have them. Accidents can happen anytime and are not restricted to older people.**



**Two incidents illustrate why young and old need the documents.** The Terri Schiavo situation a few years ago showed clearly what can happen when someone in a coma does not have the legal documents for health reasons. Hulk Hogan's son is spending time in jail because he crashed his car incapacitating his passenger John Graziano for life. Schiavo was 26 and Graziano 22 when the accidents occurred.

I do not want this to happen to me, so I have the three documents. I am sure you would not want this to happen to you either.

**Each State has enacted different rules for providing legal procedures for**



**Affordable Business Services** provides a complete range of tax, accounting, and consulting services to individuals and businesses at affordable fees.

Chuck Donovan started the firm in 1993 with a single principle in mind – to provide quality financial services that meet and suit his clients' needs. He has built a successful operation by combining personal attention and expertise with quick, accurate, friendly service.

The company's growth has been fueled by referrals from existing clients and peers. The hallmark of Affordable Business Services remains the individualized service that addresses clients' unique requirements small or large.

Chuck is a graduate of Dartmouth College and has a MBA in Accounting and Finance from American International College.

handling the legal aspects of health affairs. The following discusses each document as defined in the Florida Statutes.

### *Florida Durable Power of Attorney for Health Care*

It is a legal instrument that **allows you to set up a procedure for the management of your affairs in the event of your incompetence or disability.**

**You appoint a person to act as your attorney-in-fact** to make these decisions, arrange for and consent to medical and surgical procedures for you, including the administration of drugs. The person can be given limited or broad powers as you wish.

Because the Power of Attorney is durable, **the person is able to act for you even after you are not mentally competent or physically able to make decisions.** It may be used immediately and remains effective until you revoke it or die.

The person you appoint signs the document consenting to perform the duties set out in the Durable Power of Attorney. It does not become effective until the attorney-in-fact signs it.



### *Florida Designation of Health Care Surrogate*

**A health care surrogate is an adult who is appointed to make healthcare decisions for you when you become unable to make them for yourself.**

Florida has indicated that any competent person can designate this authority to make all health decisions during any period of the person's incapacity.

During the incapacity, the health care surrogate has the duty to consult with medical personnel and make health care decisions which the surrogate believes you would have made had you been able to do so for yourself.

If there is any question concerning the decision you would have made, the surrogate must decide in your best interest.

**The decisions cover such areas as: the right to give, withhold or withdraw consent to any type of health care including such care as medical and surgical treatments, life-prolonging interventions, psychiatric treatment, nursing care, hospitalization, nursing home treatment, home health care, and organ donation.**



**Elder-law attorneys say that non-medical choices such as: donation of organs, an autopsy, the release of health care providers from liability, the responsibility for unpaid bills after death, and the access to personal medical records should also be included in the document.**

Under Florida law the authority is granted through a written document the Florida Designation of Health Care Surrogate and signed in the presence of two witnesses, one of whom can not be a spouse or blood relative. More than one surrogate can be designated.

Unless the designation states a time of termination, the designation will remain in effect until you revoke it.

## *Florida Living Will*

A Living Will should not be confused with a person's legal will, which disposes of personal property on or after death, and appoints a personal representative or revokes or revises another will.

**A Living Will (also called an Advanced Care Directive) allows you to tell the doctors and hospitals exactly what kind of care you do and do not want to receive if you are rendered mentally or physically unable to express your desires. In it you state your wishes regarding the use of life-prolonging procedures or your wishes to terminate your treatment.**



The Supreme Court has ruled that you do have a right to direct your own medical care, even if your family and relatives may disagree.

Under Florida law a Living Will becomes effective when doctors determine you are terminally ill, incapacitated or have little hope of recovery.

The Living Will covers terminal illness and permanent unconscious conditions but

other conditions may not be covered.

**Doctors have mentioned that Living Wills should also include your feelings about the use of life prolonging devices. Among them are the use of a ventilator, a feeding tube, hydration, resuscitation, lifesaving drugs, blood transfusions, dialysis, surgery, pain medication, and other such life prolonging measures.**

Clearly a Living Will needs to describe in as much detail as possible any and all crises you may be in at the end of your life when you cannot speak for yourself.

Doctors indicate you may not know what these crises could be and may not know what medical procedures would be available if they do occur. They say you should meet with a doctor to go over each one, so you may include them in the document.

**Once a Living Will has been signed, it is your responsibility to notify your doctor of its existence. You should give a copy of the document to your physician and the hospital and have it placed in your medical records.**

## *Conclusion*

**To protect yourself in the event of an incapacitating illness or injury, you need the Durable Power of Attorney for Health Care, the Designation of Health Care Surrogate, and the Living Will. The three documents set out who will make decisions about your health care, finances, and medical care.**

They should be reviewed annually to make sure you are still satisfied with your decisions. You can revise them at any time, as long as you are competent.

**Everyone young and old should have the documents.** If you are young and do not have many assets, you will need someone to manage your financial affairs if you become incapacitated. You should have the Durable Power of Attorney for Health Care and Designation of Health Care Surrogate.



The most common mistake made is simply not planning or failing to plan properly.

You can now find back issues of *"from Chuck's Desk"* on our web site [www.affordabl.com](http://www.affordabl.com)

Click on the Newsletters tab for the issues of the newsletter from 2002.

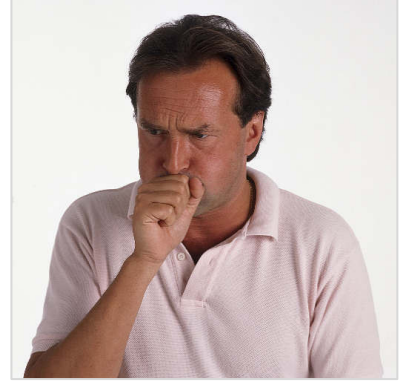
## *Heart Attack When You Are Alone*

You are driving home alone and are tired, upset, and frustrated. Suddenly you begin to feel faint and experience severe pain in your chest that starts to radiate into your arm and jaw. **You are having a heart attack.**

Without help, a person who has these symptoms and whose heart is beating improperly has only about 10 seconds before losing consciousness.

**So, what do you do if this happens to you when you are by yourself?**

**You start immediately coughing repeatedly and very vigorously.** You need to take a deep breath before each cough and the cough must be deep and prolonged, as when producing mucus or phlegm from deep inside your chest.



The breath and a cough must be repeated about every two seconds without letting up until you can get help or your heart feels like it is beating normally again.

**What is happening is the deep breaths get oxygen into your lungs and the coughing squeezes your heart keeping the blood circulating. The squeezing pressure on the heart also helps it to regain its normal rhythm.**

This procedure has and does work. **It is called Cough CPR.** It could save your life and give you enough time to get to a hospital or find help!

The Rochester General Hospital, Rochester, NY featured Cough CPR in its newsletter recently and asked its readers to tell as many people as possible about Cough CPR. It could save lives!

*Do you need to be Incorporated?*

We can provide you with Articles of Incorporation, Minute Book, Stock Certificates, and Tax ID and Small Business Election papers.

*Do you need a Living Trust to replace your will?*

We can provide you with a Living Trust that will eliminate probate and legal costs.

*Do you need a Durable Power of Attorney for Health Care, a Living Will, and a Designation of Health Care Surrogate?*

We can provide you with a complete set of documents that will put your mind at ease when medical situations arise.

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## *My Tax Stimulus Payment Is Less*

**A neighbor who prepared her own tax return asked me last week why her tax stimulus payment was less than she anticipated.** The following is most likely the reason.

The amount of the payment was based on the information in her 2007 income tax return. The general rule is it will be the \$600 for a single people and \$1,200 for married ones. Married people with young children born after 1990 will get an additional \$300 for each child.

The check could very well be for a lower amount. **The most important consideration in the IRS's determining the amount is the net income tax liability number appearing on line 57 of her return.** If this number is less than \$600 for a single person and \$1,200 for married ones, then the tax stimulus payment is reduced accordingly.

People with high incomes will not receive a payment. Of course, if a person owes back taxes, the IRS will apply the amount to the outstanding debt. Unpaid student loans or child-support obligations will also reduce the payment.

**The IRS will send a notice on all tax stimulus payments explaining how they calculated the payment.**