

# Key Medical Estate Planning Documents

## *Health Care Powers, Living Wills, and Multi-State Considerations*

A health care power of attorney (HCPOA) authorizes a trusted individual to make healthcare related decisions on behalf of the client if they cannot act for themselves. Advisors can help clients navigate the differences between a health care power of attorney, a living will, and related documents, ensuring that decision-making authority and end-of-life wishes are clear.

### **HEALTH CARE POWER OF ATTORNEY: The Critical Decision-Making Document**

A durable power of attorney (POA) authorizes a trusted individual to make legal and financial decisions on behalf of the client if they cannot act for themselves. This document governs decisions such as:

- Consent to surgeries or medical interventions
- End-of-life care choices
- Hospital transfers or long-term care decisions

The HCPOA is often considered the single most important medical planning document because physicians rely on the agent, not the written forms, to make the final decisions when the client cannot. Clients should choose agents carefully, prioritizing individuals who are calm under pressure, familiar with the client's values, and able to communicate effectively with medical teams.

### **LIVING WILL: Written Guidance for End-of-Life Care**

A living will provides written instructions prescribing a client's preferences in situations such as terminal illness or permanent unconsciousness. It may address:

- Whether to use life support
- Artificial nutrition or hydration
- Resuscitation preferences
- Comfort care measures

However, the living will does not override the health care agent's authority. Instead, it serves as:

- A guide for doctors when no agent is available
- A roadmap for the agent to understand the client's wishes
- A record of preferences when decisions are emotionally difficult

The combination of clear instructions and an empowered decision maker helps ensure choices reflect the client's values even as medicine evolves.

## MULTI-STATE CONSIDERATIONS: FORMS AREN'T UNIVERSAL

Health care directives are state-specific, and the preferred forms vary. A document drafted in one state is usually still legally valid in another, but practical issues arise:

- Hospitals may hesitate when presented with an unfamiliar state form
- Medical teams often escalate out-of-state documents to legal departments, which can slow care

For clients who spend substantial time in multiple states (e.g., snowbirds, dual homeowners), advisors should recommend:

- Executing state-specific versions of HCPOAs, living wills, and sometimes financial POAs
- Keeping each state's documents at the corresponding residence
- Ensuring both sets of documents mirror each other
- Adding language that prevents one state's document from revoking the other

These steps will help avoid confusion and ensure seamless care regardless of location.

## THE BOTTOM LINE

Medical directives work best when clients have both a clear, trusted health care decision maker and written instructions to guide that person. State-specific execution and thoughtful coordination help ensure clients receive timely and accurate care and relieve loved ones from uncertainty during medical crises.

Review clients' medical directives during annual meetings. Confirm they:

- Have a valid health care power of attorney,
- Have a living will aligned with their wishes, and
- Have appropriate documents for every state where they spend significant time.

Proactive medical planning protects clients' autonomy and reduces stress for their families.

To learn more about this topic, please watch our [Office Hours video](#) or reach out to your investment consultant.

The opinions referenced are as of the date of publication and are subject to change without notice. Material presented herein has been derived from sources considered to be reliable, but the accuracy and completeness cannot be guaranteed. This material is for informational use only and should not be considered investment advice. Clark Capital does not provide tax, legal, or accounting advice. Individuals should consult with their personal tax, legal, and accounting professionals regarding the legal or tax implications of a particular suggestion, strategy or investment, including any estate planning strategies.

This document may contain certain information that constitutes forward-looking statements which can be identified by the use of

forward-looking terminology such as "may," "expect," "will," "hope," "forecast," "intend," "target," "believe," and/or comparable terminology (or the negative thereof). No assurance, representation, or warranty is made by any person that any of Clark Capital's assumptions, expectations, objectives, and/or goals will be achieved. Nothing contained in this document may be relied upon as a guarantee, promise, assurance, or representation as to the future.

Clark Capital Management Group, Inc. is an investment adviser registered with the U.S. Securities and Exchange Commission. Registration does not imply a certain level of skill or training. More information about Clark Capital's advisory services can be found in its Form ADV and/or Form CRS, which are available upon request.