



# Discussing advance health care planning with clients

**Question:** I have an older adult client who has expressed concern that her two adult children will be fighting with each other over her future care and that one may want to put her in a local nursing home where she does not want to live. She has also told me that the other child does not believe in counseling or mental health care. I'm concerned for her well-being and have a secondary concern, from a risk management perspective, that her adult children could come after me if I don't follow their wishes. Do you have any suggestions?

**Answer:** I would strongly encourage you to talk with your client about engaging in advanced health care planning. If she is mentally competent, she will want to do this as soon as possible, before a problem arises. If she is financially able, she may wish to hire a local attorney to help draft a will, living will, health care power of attorney and other relevant documents. If she is not able to pay for an attorney, there may be pro bono legal resources through state or local bar associations.

Additionally, many states now have free, downloadable advance directives on their websites. Some also have advance health care registries so that these documents can be easily accessed by appropriate health care providers or others designated to make decisions in the event of a person's medical incident that leads to incapacity. Among the states that have registries are Arizona,

California, Idaho, Louisiana, Maryland, Michigan, Montana, Nevada, North Carolina, Oklahoma, Vermont, Virginia and Washington. The American Bar Association published “A Tour of State Advance Directive Registries” this past June at [bit.ly/2BuqUeU](http://bit.ly/2BuqUeU). Missouri also passed legislation at the end of 2017 that will provide for a confidential registry to be developed by a third party contracting with the state (see [bit.ly/2BdljFF](http://bit.ly/2BdljFF)).

If your client is able to execute a power of attorney for health care, this may ward off disputes between her two adult children in the future. She may have another close friend or relative whom she believes will better represent her wishes if she becomes physically or mentally incapable of making her own health care decisions.

Just be prepared that if your client asks you, the counselor, to fill this role, you will want to fully explore Section A of the 2014 *ACA Code of Ethics* and any relevant state laws and licensure regulations. Accepting this secondary role could pose a conflict of interest and lead to a greater risk of a breach of confidentiality. Additionally, you might risk a licensure board complaint from the client's adult children based on the facts you have relayed. If you were to decline the client's request, you would want to explain to her why this would not be an appropriate role for you to fill.

Another important point for you and other counselors to recognize is that advance health care planning is not

something that should be contemplated just for older adult clients. People of any age can suffer from sudden accidents and illnesses. Counselors should consider becoming educated about National Healthcare Decisions Day ([nhdd.org](http://nhdd.org)), an annual event that will take place this year on April 16, and the Conversation Project ([theconversationproject.org](http://theconversationproject.org)), which focuses on helping people talk about their wishes for end-of-life care.

Furthermore, counselors should themselves ensure that they have their own advance directives in place. Counselors in private practice should also have plans in place for a potential life-threatening illness or other emergency that would require practice closure, referral of clients and management of confidential mental health records. More information is available at [privatepracticepreparedness.com](http://privatepracticepreparedness.com). ♦

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## CEO's Message

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time that we are celebrating Counseling Awareness Month. That has not occurred in many years. During this time in our history when the advocacy of professional

counselors is needed more than ever at local, state and national levels, I think it is fate that more than 4,000 professional counselors will be gathering to network, learn and get reenergized for the work they face in 2018.

As always, I look forward to receiving your comments, questions and thoughts. Feel free to call me at 800-347-6647 ext. 231 or email me at [ryep@counseling.org](mailto:ryep@counseling.org). You can also follow me on Twitter: @Richyep. Be well. ♦