

Author's notes – this was written on the weekend of September 2nd (Labor Day weekend). Since then, he has been let go and is resting in peace....

I'm about to tell you a serious and profoundly sad story.

It's about the importance of having proper documentation in place – specifically, a Power of Attorney (POA) covering 2 important items:

1. Power of Personal (Continuing) Care
2. Power of Property

Let's be clear – this is much more than a Will, which determines how to disperse up your “stuff” after you're gone.

A POA dictates who can decide and what happens while you are alive, but unable to make decisions.

Here is the heartbreaking story:

A friend's husband has been in the ICU for over 20 days. He is suffering from spinal stenosis, complete quadriplegia, and there's no hope of recovery.

He asked for end-of-life care because he doesn't want to spend the rest of his life dependent on tubes and machines.

He is fully aware of his situation but can't speak because he is intubated. He can only mouth words.

For five agonizing days, his spouse has been asking how to get a Power of Attorney in place so when they remove the intubation, he can express his wishes and live out his life on his own terms.

But here's the kicker. She can't do a thing without a properly executed, written, Power of Attorney.

The problem?

No one can make that decision for him without his express consent. He cannot sign anything or verbally express his wishes.

After many days of frustration and being sent in circles, I finally got through to the hospital's social worker. I asked him plainly, “do you have a sample Power of Attorney form, like the one available on the Government of Ontario website, that you could print out for the wife, so she and the husband can review it together?”

He said yes, he had a document. So, I asked why he hadn't provided it five days earlier when it was specifically requested. He fumbled, became irritated, and even said “Not my job,” which he had also said to the family a few days earlier.

In the background I could hear the spouse crying, begging for help. The social worker got flustered.

That's when I lost my composure and shared my frustration! He left the ICU and did not return the document. He will be reported.

Back to the story:

I sent the link for the free, Government of Ontario Power of Attorney forms to the wife.

A good friend of hers went around the hospital asking everyone she encountered if they would print a hard copy.

It took 2 hours to find someone willing to take responsibility for printing a 12-page document and hand it over to another human being. Some of the excuses people used for refusing were baffling!

Our healthcare system is paralyzed by fear, anxiety and a complete lack of responsibility due to the potential liability for helping with end of life.

Later that day, they had the Power of Attorney forms in hand, sitting in the patient's room, reviewing the document together. Then they hit another roadblock. The signature page.

He is a quadriplegic. He cannot sign anything. He cannot speak. He is unable to execute the document.

The process comes to a grinding halt once again.

They called local notary publics and lawyers in the community, hoping someone could come to the hospital over the August long weekend to assist. Nobody accepted the mandate because the patient couldn't speak or write. Liability issues were raised immediately, and they backed out in minutes, offering little to no guidance.

So now we're back to square one.

A few more days will pass while this man lies in absolute misery, pleading for end-of-life care. His family has visited and said their goodbyes, but the suffering continues.

As I write, the eye and lip reader will arrive soon, and then we can document his wishes. Only then can the system allow for a Power of Attorney to be given, allowing his wife to grant him the peaceful end he deserves.

What you must do:

Update your old or create a new Power of Attorney and Power of Continuing Care. While you're at it, add a Power of Property and wrap up the whole package with an updated Will.

Have the documents executed and witnessed by at least two responsible, arms' length persons (executors may or may not qualify) and have it professionally notarized.

File hard copies with all your trusted advisors. Digitize it and email copies to yourself, your spouse, your lawyer, your accountant, and any other loved ones who might need it if you end up in a situation like my friend's husband.

Do not be naïve and do not be irresponsible. If you do not want to pay a lawyer, you can download it for free from the Government of Ontario website.

Google Search "FREE Power of Attorney Government of Ontario".

Bottom Line

By addressing these points, you can significantly increase the attractiveness and value of your business. Consulting professionals experienced in business sales is invaluable throughout this process.

About the Author



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Timothy is Canada's leading healthcare practice appraiser and business broker. I work with business owners to reveal the fair market value of their business and help them to exit with dignity and profitably. I have pioneered numerous Trademarks in Canada including Locum Lifestyle™, i-Dentist™ and Investor Dentist™. Author of 3 books and Publisher of Profitable Practice magazine. Co-Founder of the Monday Morning Millionaire program. Passionate believer in the Six Habits of highly effective Investors.

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