

Health Care Power of Attorney

What is a health care Power of Attorney?

A health care Power of Attorney is a document executed by a competent person (the principal) giving another person (the agent) the authority to make health care decisions for the principal if he or she is unable to communicate such decisions him- or herself.

Why have a health care Power of Attorney?

In case you ever become incapacitated, it is important that someone has the legal authority to communicate your wishes concerning medical treatment. This is true especially if you were to disagree with family members or they were to disagree among themselves about your treatment. By executing a health care Power of Attorney, you ensure that the directions that you have given your agent will be carried out in the event of such disagreement.

Whom should I appoint as my agent?

Since your agent is going to have the authority to make medical decisions for you in the event you are unable to make such decisions yourself, it should be a family member or friend that you trust will follow your wishes. Before executing a health care Power of Attorney, you should talk to the person whom you want to name as your agent about your wishes concerning medical decisions, especially life-sustaining treatment.

Should I have a declaration (living will)?

A medical directive provides your agent with instructions on what type of care you would like. If you wish, you may include a medical directive in your health care Power of Attorney. It may include specific instructions concerning the initiation or termination of life-sustaining treatment or a more broad statement granting general authority for all medical decisions that are important to you.

When does a health care Power of Attorney take effect?

A health care Power of Attorney takes effect only when you require medical treatment and are unable to communicate your wishes concerning your treatment.

What if I regain the ability to communicate my own decisions?

If you become able to express your wishes at any time, you will be listened to and the health care Power of Attorney will have no effect.

Who should have a copy of my health care Power of Attorney?

Your agent should have the original document. You should have a copy and your physician should have a copy with your medical records.