

# **WHY DO I NEED A HEALTH CARE POWER OF ATTORNEY?**

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## **WHAT IS A HEALTH CARE POWER OF ATTORNEY?**

A Health Care Power of Attorney is a document that allows a person to dictate who will make important health care decisions for him or her if he or she becomes incapacitated. For purposes of executing the document “incapacity” exists if two physicians or a physician and a psychologist who have personally examined the patient sign a statement that specifically expresses, in their opinion, that the person has a condition in which they are unable to receive and evaluate information effectively or to communicate decisions to such an extent that they may lack the capacity to manage their health care decisions.

## **WHAT DOES A HEALTH CARE POWER OF ATTORNEY DO?**

This document gives the person whom you specify broad powers to make HEALTH CARE decisions for you. It is revocable and you can change the health care agent designation if you so desire in the future.

Once a person becomes incapacitated it is often the case that a person needs to be moved from a hospital to a nursing home. This unfortunately cannot happen unless the patient has previously designated a health care agent or a guardian has been appointed by the courts to make health care decisions about the patient. If neither has been done and it is time to move the patient from the hospital, the relatives or friends of the patient who do not have a previously designated Health Care Power of Attorney will need to enlist the help of an attorney. The attorney would begin the guardianship process so that the patient could then be moved to a nursing home. If the patient will be moving to his or her home or to the home of relatives, it may not be necessary to begin the guardianship process immediately, but it could be imminent if the person would ever need major health care decisions to be made for them. Consequently, one can avoid the whole guardianship process if a Health Care Power of Attorney is appointed to make health care decisions.

## **WHAT IS A LIVING WILL?**

A Living Will is a document that allows a person to designate to the health care providers what needs to be done in certain health care situations. These instructions can be a general overview guideline for the physicians or it may be a specific road map to instruct the providers.

Important health care decisions such as the ability or inability to be moved to a nursing home or a community based residential facility are some of the general parameters that should be included in a Health Care Power of Attorney document. Other instruction may be in regard to the provision of nutrition and hydration and the withholding of such medical assistance. The current Health Care Power of Attorney documents incorporate into them the general parameters of a Living Will. This important document is absolutely essential in today’s society and it can help you eliminate future costs relating to the onerous guardianship process.

**WHO SHOULD I NAME AS MY  
HEALTH CARE POWER OF ATTORNEY?**

If you have a spouse it is a good idea to name your spouse as your health care agent. Otherwise it is advisable to name sons, daughters, siblings or other trusted family members who know you best and will be able to communicate your health care desires to your health care providers. The appointment of an agent should not be given to a stranger.

Should you decide you need more information please contact James W. Pruitt, Esq. at (262) 633-8301 to discuss your Estate planning needs.