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Durable Power Of Attorney For Health Care

A durable power of attorney for health care is a signed, dated, and witnessed legal document commonly called a "health care proxy" or "health care power of attorney." This document differs from other durable powers of attorney in that it is specifically limited to health care and medically related decisions.

For caregivers of the elderly, this document can be one way to ensure a loved one stays in charge of his or her destiny. The elder-known as "the principal"-appoints an individual-called "agent," or "proxy"-to make medical decisions in his or her behalf if (and only if) the elder becomes incapacitated and unable to make such decisions. The agent can be any competent adult, and is usually a family member or close friend. The appointed agent will take over medical affairs and act within the guidelines and restrictions should the elder become incapacitated due to illness or injury.

A durable power of attorney for health care should:

- Adhere to the rules of the state in which it is created
- Include a backup if the original agent is not available
- Spell out clearly what matters the agent can and cannot handle

Prior to signing a durable power of attorney for health care, the principal and agent must designate under what conditions the document becomes effective. The agent would then be responsible for all medical matters until the principal's recovery or death.

Most states also allow the principal to request that he or she not be given "life sustaining procedures" in cases of terminal illness. The agent will be able to follow the principal's wishes to a greater extent if the document clearly defines and specifies the powers being granted.

If your loved one signs a durable power of attorney for health care, make sure he or she communicates all wishes, values, and preferences to his or her agent. A lawyer can help you understand how to tailor the durable power of attorney for health care to fit your loved one's wishes.

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