

LIFE AND DEATH CHOICES -PLANNING FOR YOUR HEALTH AND FINANCIAL NEEDS BEFORE DEATH

Advance Directives – Health Care POA, Financial POA and Living Wills

I urge everyone to have a Health Care Power of Attorney

A health care power of attorney is a legal document that authorizes another person (your agent) to obtain your health information and to make health care decisions for you. You can allow your agent to get your health information and communicate with your health care provider at any time, but health care decisions can be made for you only if and when you cannot make health care decisions for yourself. A health care power of attorney requires the person you appoint to make decisions that are consistent with your wishes; and will not overrule a living will if you have both documents.

Can a health care power of attorney be used to take care of financial matters?

No. You must use a financial power of attorney document to address financial affairs.

What is a Financial Power of Attorney?

A financial power of attorney is where you designate an attorney-in-fact of your choosing to enter into financial transactions on your behalf. Often, this is a spouse or other family member. Unlike HCPOA's, which I recommend everyone have, I tell my clients that they must carefully decide whether to have a Financial POA and whom to name. A financial attorney-in-fact may open or close bank accounts, withdraw funds, sign checks, tax returns and even deeds. A financial power of attorney documents bestows a great deal of power so it requires careful consideration and a high level of trust.

A Living Will is another advance directive that should be considered – again this is a very personal decision and one that should be discussed with loved ones.

A living will is a legal document you can use to set forth your directions about the use or non-use of artificial life-sustaining support if you become terminally ill or permanently unconscious. A living will:

- Becomes effective only when you cannot communicate your wishes and are permanently unconscious or terminally ill;
- Can be changed or revoked by you at any time, but cannot be changed or revoked by anyone else; and
- Trumps the health care power of attorney.

If I am in a permanently unconscious state, and I do not choose to prolong my life, what will the doctor do?

Your doctor will avoid life-sustaining treatment, including CPR, but will continue to provide

technologically supplied **nutrition and hydration** unless your living will document says it should be withdrawn or withheld. Your doctor will continue efforts to keep you pain-free.

A living will can also contain a provision that lets medical providers know your status as an organ donor. A living will can also contain a DNR order (DO NOT RECITATE) but is not the same as a DNR. This should be carefully discussed with your loved ones and your medical providers.