

End-of-Life Care: Durable Power of Attorney



A durable power of attorney is a legal form that lets you choose someone to make medical decisions for you when you cannot make them yourself.

A durable power of attorney is one of two main types of advance directives. A living will is the other type.

Having an advance directive means that you have written down your wishes about end-of-life medical treatment. It also means that you have chosen someone you trust to make decisions for you if you can no longer speak for yourself.

Advance directive forms let you tell doctors and nurses what kinds of treatments you are willing to have and what kind you are not willing to have. The more specific you are about these treatments, the more accurately your health care team can meet your goals. For example, if you are willing to live for a short time on life support, write how long in days or weeks. If you do not want any artificial life support, write this down. Include instructions about anything that is important to you.

What is a health care agent?

A health care agent is a person you choose to make health care decisions for you if you cannot speak for yourself. Your health care agent can make decisions about the end of life. He or she also can make decisions any other time you cannot speak for yourself, such as if you are badly hurt in an accident.

To make these decisions, your agent can use the information in your living will, statements you have made in the past, and what he or she knows about you. Your agent can consent to surgery. Your agent can refuse to have you placed on life-support machines. Your agent also can request that you be taken off life support if you made this wish clear before becoming critically or terminally ill.

What should you consider when choosing a health care agent?

Not everyone will be comfortable taking on this responsibility, so talk openly with the person you are thinking of choosing. Consider someone who:

- Is at least 18 years old.
- Is someone you trust.
- Knows you well and understands what makes life meaningful for you.
- Understands your religious and moral values.
- Will honor your wishes and do what you want, not what he or she wants.
- Will be able to make hard choices at a stressful time.
- Will be able to refuse or stop treatment, if that is what you would want, even if it may result in your death.
- Will be assertive with doctors if needed.

- Will be able to ask questions of doctors and others to get the information needed to make decisions.
- Lives near you or is willing to travel to you if needed.

How do you name a health care agent?

You name your health care agent on a legal form called a durable power of attorney.

This form may be available through your state's bar association, medical association, or office for the aging. Law offices and hospitals also may have these forms or can tell you where to find them.

You must sign the form to make it valid. Some states require the form to be notarized, which means a notary public watches you sign and then signs the form. States may also require that at least two witnesses sign the form.

Be sure to tell your family members and doctors who your health care agent is.

Who will make decisions for you if you do not have a health care agent?

If you do not have a health care agent or a living will, your family members may disagree about the type of medical care you should have if you cannot speak for yourself.

If you do not have a health care agent, decisions about your care may be made by a doctor who does not know you. In some cases, the decision will be made by a judge.

In some states, the law says life support must be continued if your wishes are not known.

By appointing a health care agent, you are clearly stating who has the authority to make health decisions on your behalf.