



Jennifer M. Racine

Your Durable Power of Attorney for Health Care

A few months ago I mentioned that all estate plans should include, at a minimum, three important estate planning instruments: a Durable Power of Attorney, Durable Power of Attorney for Health Care, and a Will. Last month I wrote about the importance of the Durable Power of Attorney. This month I want to continue with the importance of the Durable Power of Attorney for Health Care.

A Durable Power of Attorney for Health Care designates someone you choose to make health care decisions for you if you are unable to do so yourself. If an individual becomes incapacitated, it is important that someone have the legal authority to communicate that person's wishes concerning medical treatment.

The Durable Power of Attorney for Health Care 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. By executing the Durable Power of Attorney for Health Care, principals ensure that the instructions that they have given their agent will be carried out. The Durable Power of Attorney for Health Care is especially important to have if an individual and family members may disagree about treatment.

In general, a Durable Power of Attorney for Health Care takes effect only when the principal requires medical treatment and a physician determines that the principal is unable to communicate his or her wishes concerning treatment. If the principal later becomes able to express his or her wishes, he or she will be listened to and the Durable Power of Attorney for Health Care will have no effect.

The Durable Power of Attorney for Health care also gives instructions regarding treatment if the individual becomes terminally ill or is in a persistent vegetative state and is unable to communicate his or her own instructions. The Durable Power of Attorney for Health Care states under what conditions life-sustaining treatment should be terminated. If an individual would like to avoid life-sustaining treatment when it would be hopeless, he or she needs to draw up a Durable Power of Attorney for Health Care.

For more information, contact Jennifer Racine & Associates at

(616) 530-2332 or at www.jracinelaw.com