

## **Understanding the Health Care Power of Attorney** by Gary Villnow

**What is a Health Care Power of Attorney?** A Health Care Power of Attorney is a document which a person signs to appoint an agent to make decisions regarding medical treatment. The person who signs the document, the Principal, is providing another person, the Agent, broad authority to make decisions regarding the Principal's medical treatment. If the Principal desires, the Agent's authority can include the right to decide whether or not the principal should be admitted to a nursing home, whether or not to refuse or withdraw feeding and watering tubes from a Principal with a terminal condition.

Through the vehicle of a Health Care Power of Attorney, the Principal can also authorize the release of medical information to the Agent which may be protected by law.

**When is a Health Care Power of Attorney effective?** The Agent has the authority to make health care decisions for the Principal only when two physicians or a physician and a psychiatrist certify in writing, that the Principal is incapacitated to the point where the Principal is no longer able to make his or her health care decisions.

**What decisions are health care agents not authorized to make?** Generally, health care Agents are not allowed to commit the Principal to a mental health facility on an inpatient basis, or authorize invasive or experimental mental health procedures.

**Why is a Health Care Power of Attorney important?** If a person should become incapacitated and has not appointed an Agent to make health care decisions, a guardian of the person may have to be appointed by the court. The appointment of a guardian for an incapacitated person can be quite expensive, and may lead to court intervention into decisions that could be left to the person of the Principal's choosing.

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