

Durable Health Care Power of Attorney and Appointment of Health Care Agent and Proxy

NOTICE TO ADULT SIGNING THIS DOCUMENT: This is an important legal document. Before executing this document, you should know these facts: This document gives the person you designate (the attorney-in-fact) the power to make MOST health care decisions for you if you lose the capacity to make informed health care decisions for yourself. This power is effective only when your attending physician determines that you have lost the capacity to make informed health care decisions for yourself. Regardless of this document, as long as you have the capacity to make informed health care decisions for yourself, you retain the right to make all medical and other health care decisions for yourself. You may include specific limitations in this document on the authority of the attorney-in-fact to make health care decisions for you. Subject to any specific limitations you include in this document, if your attending physician determines that you have lost the capacity to make an informed decision on a health care matter, the attorney-in-fact **GENERALLY** will be authorized by this document to make health care decisions for you to the same extent as you could make those decisions yourself, if you had the capacity to do so. The authority of the attorney-in-fact to make health care decisions for you **GENERALLY** will include the authority to give informed consent, to refuse to give informed consent, or to withdraw informed consent to any care, treatment, service, or procedure to maintain, diagnose, or treat a physical or mental condition. Additionally, when exercising authority to make health care decisions for you, the attorney-in-fact will have to act consistently with your desires or, if your desires are unknown, to act in your best interest. You may express your desires to the attorney-in-fact by including them in this document or by making them known to the attorney-in-fact in another manner. When acting pursuant to this document, the attorney-in-fact **GENERALLY** will have the same rights that you have to receive information about proposed health care, to review health care records, and to consent to the disclosure of health care records. You can limit that right in this document if you so choose. **GENERALLY**, you may designate any competent adult as the attorney-in-fact under this document. You have the right to revoke the designation of the attorney-in-fact and the right to revoke this entire document at any time and in any manner. Any such revocation generally will be effective when you express your intention to make the revocation. However, if you made your attending physician aware of this document, any such revocation will be effective only when you communicate it to your attending physician, or when a witness to the revocation or other health care personnel to whom the revocation is communicated by such a witness communicates it to your attending physician. If you execute this document and create a valid Health Care Power of Attorney with it, this will revoke any prior, valid power of attorney for health care that you created, unless you indicate otherwise in this document. This document is not valid as a Health Care Power of Attorney unless it is acknowledged before a notary public or is signed by at least two adult witnesses who are present when you sign or acknowledge your signature. No person who is related to you by blood, marriage, or adoption may be a witness. The attorney-in-fact, your attending physician, and the administrator of any nursing home in which you are receiving care also are ineligible to be witnesses. If

there is anything in this document that you do not understand, you should ask a lawyer to explain it to you.

I, _____ (printed name) , residing at _____, appoint the following person as my attorney-in-fact for health care decisions, my health care agent, and confer upon this person my health care proxy. This person shall hereafter referred to as my “health care representative”:

_____ (printed name) ,
residing at _____.

I grant my health care representative the maximum power under law to perform any acts on my behalf regarding health care matters that I could do personally under the laws of the State of _____, including specifically the power to make any health decisions on my behalf, upon the terms and conditions set forth below. My health care representative accepts this appointment and agrees to act in my best interest as he or she considers advisable. This health care power of attorney and appointment of health care agent and proxy may be revoked by me at any time and is automatically revoked on my death. However, this power of attorney shall not be affected by my present or future disability or incapacity.

This health care power of attorney and appointment of health care agent and proxy has the following terms and conditions:

If I have signed a Living Will or Directive to Physicians, and it is still in effect, I direct that my health care representative abide by the directions that I have set out in that document. If at any time I should have an incurable injury, disease, or illness which has been certified as a terminal condition by my attending physician and one additional physician, both of whom have personally examined me, and such physicians have determined that there can be no recovery from such condition and my death is imminent, and where the application of life prolonging procedures would serve only to artificially prolong the dying process, then:

I direct my health care representative to assure that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication, the administration of nutrition and/or hydration, or the performance of any medical procedure deemed necessary to provide me with comfort, care, or to alleviate pain. If at any time I should have been diagnosed as being in a persistent vegetative state which has been certified as incurable by my attending physician and one additional physician, both of whom have personally examined me, and such physicians have determined that there can be no recovery from such condition, and where the application of life prolonging procedures would serve only to artificially prolong the dying process, then: I direct that my health care representative assure that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication, the administration of nutrition and/or hydration, or the performance of any medical procedure deemed necessary to provide me with comfort, care, or to alleviate pain.

**THE FOLLOWING INSTRUCTIONS (IN BOLDFACE TYPE) ONLY APPLY
IF I HAVE SIGNED MY NAME IN THIS SPACE: _____**

However, if at any time I should have been diagnosed as being in a persistent vegetative state which has been certified as incurable by my attending physician and one additional physician, both of whom have personally examined me, and such physicians have determined that there can be no recovery from such condition, I also direct that my health care representative have sole authority to order the withholding of any aid, including the administration of nutrition, hydration, and any other medical procedure deemed necessary to provide me with comfort, care, or to alleviate pain.

If I am able to communicate in any manner, including even blinking my eyes, I direct that my health care representative try and discuss with me the specifics of any proposed health care decision.

If I have any further terms or conditions, I state them here:

I have discussed my health care wishes with the person whom I have herein appointed as my health care representative, I am fully satisfied that the person who I have herein appointed as my health care representative will know my wishes with respect to my health care and I have full faith and confidence in their good judgement.

I further direct that my health care representative shall have full authority to do the following, should I lack the capacity to make such a decision myself, provided however, that this listing shall in no way limit the full authority that I give my health care representative to make health care decisions on my behalf:

- a. to give informed consent to any health care procedure;
- b. to sign any documents necessary to carry out or withhold any health care procedures on my behalf, including any waivers or releases of liabilities required by any health care provider;
- c. to give or withhold consent for any health care or treatment;
- d. to revoke or change any consent previously given or implied by law for any health care treatment;
- e. to arrange for or authorize my placement or removal from any health care facility or institution;
- f. to require that any procedures be discontinued, including the withholding of any medical treatment and/or aid, including the administration of nutrition, hydration, and any other medical procedure deemed necessary to provide me with comfort, care, or to alleviate pain, subject to the conditions earlier provided in this document;
- g. to authorize the administration of pain-relieving drugs, even if they may shorten my life.

I desire that my wishes with respect to all health care matters be carried out through the authority that I have herein provided to my health care representative, despite any contrary wishes, beliefs, or opinions of any members of my family, relatives, or friends. I have read the Notice that precedes this document. I understand the full importance of this appointment, and I am emotionally and mentally competent to make this appointment of health care representative. I intend for my health care representative to be treated as I would be with respect to my rights regarding the use and disclosure of my individually identifiable health information or other medical records. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 (aka HIPAA), 42 USC 1320d and 45 CFR 160-164.

I declare to the undersigned authority that I sign and execute this instrument as my health care power of attorney and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in this document and that I am nineteen years of age or older, of sound mind and under no constraint or undue influence, and that I have read and understand the contents of the notice at the beginning of this document, and that I understand the purpose and effect of this document.

Dated _____, 20_____

Signature of person granting health care power of attorney and appointing health care representative

Printed name of person granting health care power of attorney and appointing health care representative

Witness Attestation

I, _____ (printed name), the first witness,
and I, _____ (printed name), the
second witness, sign my name to the foregoing power of attorney being first duly sworn and do
declare to the undersigned authority that the principal signs and executes this instrument as his/her
power of attorney and that he/she signs it willingly, or willingly directs another to sign for him/her,
and that I, in the presence and hearing of the principal, sign this power of attorney as witness to the
principal's signing and that to the best of my knowledge the principal is nineteen years of age or older,
of sound mind and under no constraint or undue influence. I am nineteen years of age or older. I am
not appointed as the health care representative or attorney-in-fact by this document. I am not related
to the principal by blood, adoption or marriage, nor am I entitled to any portion of the principal's
estate under the laws of intestate succession or under any will or codicil of the principal. I also do
not provide health care services to the principal, nor am I an employee of any health care facility in which
the principal is a patient and am not financially responsible for the principal's health care.

Signature of First Witness

Address of First Witness

Signature of Second Witness

Address of Second Witness

Notary Acknowledgment

State of _____

County of _____

Subscribed, sworn to and acknowledged before me on this date _____, 20____ by _____, the principal, who came before me personally, and under oath, stated that he or she is the person described in the above document and he or she signed the above document in my presence, or willingly directed another to sign for him or her. I declare under penalty of perjury that the person whose name is subscribed to this instrument appears to be of sound mind and under no duress, fraud, or undue influence. This document was also subscribed and sworn to before me on this date by _____, the first witness, and _____, the second witness .

Notary Signature

Notary Public

In and for the County of _____

State of _____

My commission expires: _____

Notary Seal

In California, Delaware, Georgia, and Vermont, the following statement is required to be signed by a patient advocate, ombudsman (in California, Delaware and Vermont) or facility director (in Georgia or Vermont, if the principal is a patient in a skilled nursing facility):

Statement of Patient Advocate or Ombudsman: I declare under penalty of perjury under the laws of the State of _____ that I am a patient advocate or ombudsman (or medical facility director) and am serving as a witness required by the laws of this state and that the principal appeared to be of sound mind and under no duress, fraud, or undue influence.

Dated _____

Signature of Patient Advocate or Ombudsman

Printed name and title of witness

Acceptance of Appointment as Health Care Attorney-in-Fact and Health Care Representative

I have read the attached durable health care power of attorney and am the person identified as the attorney-in-fact and health care representative for the principal. I hereby acknowledge that I accept my appointment as health care attorney-in-fact and health care representative and that when I act as agent I shall exercise the powers in the best interests of the principal.

Signature of person granted health care power of attorney and appointed as health care representative

Printed name of person granted health care power of attorney and appointed as health care representative