



Health Care Power of Attorney Living Wills

No one wants to contemplate becoming seriously ill or disabled, but the reality is you need to address this difficult subject with your spouse, significant other and family members. It is important to make decisions regarding what your wishes are while you are healthy. The Secretary of State allows you to register, free of charge, living wills and medical power of attorneys on their web site. Simply go to http://www.azsos.gov/adv_dir and follow the easy steps to register your health care directives, which are then stored in a safe and confidential place. Medical professionals and care providers may easily access your wishes. Always make sure your family members are fully informed regarding your choices.

What are Health Care Directives?

These are documents such as living wills and medical powers of attorney that inform medical providers what type of care you would like to have should you become unable to make medical decisions. These, typically, are prepared prior to becoming ill. All designations must be made while you have full mental capacity.

A Health Care Directive may have greater scope than a living will, as it is not necessarily limited to just terminal illness or it may be narrower, if it is used in relation to a particular surgery at a specific hospital. There are many serious decisions you need to make prior to completing a Health Care Directive. Again, it is important to discuss your wishes with both your family and your medical providers.

What is a Living Will

A Living Will is simply one type of Advance Directive. It usually becomes effective if you are terminally ill or have had an accident from which you may not recover. Recently, the high-profile case regarding a patient's right to die involved Terry Schiavo. If she had prepared a living will, her wishes – whatever they were - would have been clear and would have been followed. If this relatively simple documentation had been completed, her family likely would have been saved years of emotional anguish and expensive litigation. In a Living Will, one specifies exactly, what type of treatment should be provided and what treatment should be withheld, including life-sustaining treatment. Again, a living will may have a more limited application than a general health care directive

Health Care (Medical) Power of Attorney

A Health Care, or Medical Power of Attorney allows you to select someone to make medical decisions for you, should you become incapacitated or unable to make medical decisions for yourself. It also may or may not



include HIPPA language that allows medical professionals to discuss your confidential medical information with a designated person. The person you appoint is called your Agent. It is critical that your agent know what your wishes are. It is also a good idea to appoint an alternate agent, as occasionally, the individual appointed your agent, due to their personal feelings for you or due to unforeseen circumstances is unable to make the decision to implement your wishes, at this point the secondary party, the alternate agent, can still guide the healthcare professionals as to what your wishes are. A common example of this situation might involve a wife being unable to carry out the wishes of her terminally ill husband due to her affection for him, fear of losing him, etc. The alternate is able to step in and make the difficult decisions.

When you are selecting an agent to represent your power of attorney, now would also be the right time to discuss whether or not you wish to be an organ donor. You may have elected donor status on your Arizona driver's license, but your family has the right to override your donor election. Make your wishes on this subject clear to your agent and family members.

These are difficult conversations to have, but, you and your loved ones are going to enjoy the peace of mind that comes with formalizing your final wishes with certainty and clarity. If you would like to prepare your own Living Will and Health Care Power of Attorney forms, or would like to review a list of questions and answers regarding health care directives please visit http://www.azsos.gov/adv_dir/HCD_.pdf.