

## AGING & DISABILITY RESOURCES

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### Durable Power of Attorney for Health Care

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An accident or illness could make you temporarily unable to understand or communicate your medical treatment choices. Sometimes illness can cause permanent loss of mental capacity and may limit your ability to understand the risks and benefits of suggested medical treatment.

The Durable Power of Attorney for Health Care is a document that states who you want to make healthcare decisions for you if you are unable to make your own. The document may also explain what types of health care decisions you want others to make.

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- Decide what types of health care are important to you. Think about what you would want and what you would not want if medical treatment, surgery or medication is proposed.
  - Decide when the Durable Power of Attorney for Health Care can be used. It is important to be specific. You can have a Durable Power of Attorney for Health Care go into effect right after you sign it or you can have it go into effect only when (or if) you are mentally incapacitated.
  - If you decide to use a Durable Power of Attorney for Health Care which becomes effective only when you are incapacitated, think about who decides you are incapacitated and under what circumstances.
  - Decide whom you trust to make your medical decisions and talk about it with that person. The person you choose is called your agent or attorney-in-fact, although the person does not have to be a lawyer. Your attorney-in-fact cannot be one of your medical providers, or an employee of the same. It cannot be someone who works in the nursing home or healthcare facility where you receive care.
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Washington State law does not require that you use a lawyer to obtain a Durable Power of Attorney for Health Care. However, it does require that you must be a legally competent adult when you fill out and sign the form. Some healthcare providers require that it be notarized, but this is not required by law. In addition, you do not need witnesses however they may be important since they observe your competency when signing the document. You can cancel a Durable Power of Attorney for Health Care by revoking it. A copy of written notice cancelling the Durable Power of Attorney for Health Care should be given to anyone who previously had the original. If you recorded your Durable Power of Attorney for Health Care with the county clerk, the paper revoking it must also be recorded there. State laws vary, so your Durable Power of Attorney for Health Care may not be valid in other states. If you are spending considerable time in another state, you may wish to obtain one there as well.

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You should give a copy of your Durable Power of Attorney for Health Care to:

- Your attorney-in-fact or agent
- A family member or a trusted friend
- Your physician
- All of your healthcare providers

This information was obtained from the booklet, *“Your Legal Right to Make Decisions about Health Care and Advance Directives in Washington State”*, published by the Department of Social & Health Services.

**These materials were developed as a general guide and are not intended as legal advice.**

Useful material is also available at [www.caringinfo.org](http://www.caringinfo.org) and [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org).