



FAQ DURABLE POWER OF ATTORNEY FOR HEALTH CARE

1) What is Durable Power of Attorney for Health Care?

- It is a legal document through which you may have your wishes for medical care carried out. It is only used when you are unable to make or communicate decisions regarding medical treatment. It is prepared before any condition or circumstance causes you to be unable to actively participate in medical decisions. It will allow you to specify desires and to appoint an agent to act in your interests.

2) Why would I want to create a Durable Power of Attorney for Health Care?

- Durable Power of Attorney for Health Care protects your wishes for medical treatment in the event that you are incapable of expressing them. It allows you to appoint a trusted agent to carry out your interests and allows you to specify to that agent and to your physician information declaring your desires for certain treatments. While discussing issues of end-of-life can be difficult, creating a document that will express your wishes will lessen the burden on family and friends if a time comes when they must make medical decisions in your place.

3) How will my wishes be considered if I do not have an advance directive?

- In this case your physician will consult with others to try to determine what your wishes were. If you have discussed your wishes with your physician he or she will know them and will act in your interests. If they are unaware they will discuss what your wishes are with next of kin or close relatives about withdrawing or withholding life support systems. You are advised to complete some form of advance directive rather than relying on oral instructions if you want to be sure that your wishes will be understood and known in the event that you are unable to state them yourself.





4) *What is a health care agent?*

- A health care agent is a person whom you authorize through an advance directive to convey your wishes concerning treatment. A health care agent does not act in any other medical decisions and does not act if you are able to communicate your own wishes.

5) *Who should I appoint as my health care agent?*

- The only people who can NOT serve as your agent are
 - Your treating health care provider: physician, nurse, hospital, nursing home
 - A non relative employee of your treating health care provider
 - An operator of a community care facility
 - A non relative employee of an operator of a community care facility

You can appoint a relative, a close friend, coworker, religious council or any other person who you trust to make health care decisions in your best interest.

6) *Do I need a lawyer to create Durable Power of Attorney for Health Care?*

- No. You do not need a lawyer to create a Durable Power of Attorney for Health Care. You can use the forms provided in the Rhode Island Durable Power of Attorney for Health Care. The only thing you need to complete the forms is two witnesses who are not 1) a person who is designated as your agent 2) a health care provider 3) an employee of a health care provider 4) the operator of a community care facility 5) an employee of an operator of a community care facility **OR** one notary public who also meets the aforementioned requirements.

7) *What type of information may be specified in my durable power of attorney?*

- Durable Power of Attorney for Health Care allows you to specify whether they want or do not want life-sustaining treatment, nutrition, intubation, respirator, procedures, CPR, hydration, antibiotics, and pain management. None of these things are denied by creating a Durable Power of Attorney for Health Care, but a specification can be made about any of them and a patients agent will have the power to see to that wish being carried out.



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8) *Is there any time in which my Durable Power of Attorney would not be recognized?*

- Durable Power of Attorney for Health Care is not recognized by emergency services, rescue, or ambulance personnel. The one exception to this is transferring residents from nursing homes who have do not resuscitate orders.

9) *Is the Rhode Island Durable Power of Attorney accepted in other states?*

- The state of Rhode Island recognizes other states Durable Power of Attorney for Health Care. Because of reciprocity laws, other states should also recognize the legality of a designated agent under Rhode Island law. If you were to move to another state, or plan to spend extensive time in another state, it would be advisable to check that states laws to guarantee recognition of the Durable Power of Attorney for Health Care.

10) *How long does the Durable Power of Attorney for Health Care last? Does it need to be renewed?*

- Durable Power of Attorney for Health Care need not be renewed or updated. Its validity stands unless another authorization pre-empts it. Basically, unless the decision is made to change or complete a new Durable Power of Attorney for Health Care, the wishes expressed in your most recent document will be those carried out. It is advisable to reassess the document every few years in order to guarantee that agent information is up to date, and that your desires for treatment and who should represent your interests have not changed. If you wish to enact a time limit on the Durable Power of Attorney for Health Care, one can be specified in the forms provided. Unless specified, the Durable Power of Attorney for Health Care is in effect until revoked.

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11) Who should I provide copies of my Durable Power of Attorney for Health Care to in order to ensure that my wishes are properly carried out?

- Although you are not required to provide copies of the Durable Power of Attorney for Health Care to anyone, it is most effective if it is accessible to those people who will be making health care decisions. Therefore, copies should be provided to the health care agent who is designated in the document, any alternative agents who have been identified, family, physicians, and hospital. By having your desires for treatment and decision making made apparent to this group of people, they can work more appropriately to carry out your wishes.

12) How would I go about changing my agent?

- Because relationships change over time, it is important to examine the decisions that you have made about your health care agent. If you decide that the person who you have appointed would no longer properly represent your wishes, then you can revoke the power of your agent by notifying that person, your physicians or the hospital either verbally or in writing. If you choose to appoint a new agent, the Durable Power of Attorney for Health Care form can be redone appointing a new person to be your agent. If you do not appoint a new agent, then the originally appointed alternative agent will become your primary agent.

13) If my agent dies, does the first alternative that I appointed automatically become my agent, or must I redo the forms?

- Yes. If you would like to appoint someone other than your first alternative, then it would be necessary to redo the Durable Power of Attorney for Health Care form.

14) Where can I get a copy of the form to create RI Durable Power of Attorney for Health Care?

- The form to create a Durable Power of Attorney for Health Care can be obtained from the Attorney General's web page at www.riag.state.ri.us. Hard copies will also be made available in other public places such as hospitals, community care clinics, elderly service programs, etc.

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