

In April, 1990, the State of Wisconsin passed a law which permits a person to execute what is called a Power of Attorney for Health Care decision making.

This document authorizes another person to make health care decisions when the individual is not capable of doing so himself or herself.

By executing a Durable Power of Attorney for Health Care, an individual can select a proxy decision-maker who is knowledgeable about the person's intentions and who will make health care choices that are consistent with the person's wishes, values and beliefs.

Keep in mind the following notes regarding Advance Directives:

- Laws regarding Advance Directives may differ from state to state. Just remember, Advance Directive laws apply to the state of service delivery.
- Currently in Michigan, legislation does not exist governing the Living Will. Therefore, Living Wills are not binding in the state of Michigan.
- In Wisconsin, a Living Will is also referred to as a Declaration to Physician.
- In Michigan, a Durable Power of Attorney for Health Care may also be referred to as a Patient Advocate.

If you have any questions regarding Advance Directives, please contact:

**Case Management Department
(715) 735-4200, Ext. 3216**

ADVANCE DIRECTIVES FOR HEALTH CARE

Living Will
and
Durable Power of Attorney
for Health Care



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the Wisconsin Hospital Association*



What is the difference between a Living Will and Durable Power of Attorney for Health Care?

A **Living Will** allows a competent person to accept, refuse, withdraw, or otherwise control decisions relating to his/her medical care, specifically the use of life-sustaining procedures or treatments when the person's condition is terminal and he/she is unable to make health decisions.

A **Living Will** directs your health care provider to withhold or withdraw life-sustaining procedures if you are terminally ill or in a persistent vegetative state.

Durable Power of Attorney for Health Care is a document signed by a competent adult (the principal) which designates someone whom that person trusts to make health care decisions on the principal's behalf if the principal becomes incapacitated.

Durable Power of Attorney does not give instructions to your health care provider, but rather gives decision-making authority to your health care agent if you become incapacitated. The Power of Attorney is not limited to withholding or withdrawing life sustaining procedures, and it does not require that you become terminally ill and in danger of imminent death before your agent can make health care decisions on your behalf.

Each is a distinct document that serves different purposes.

When does a Durable Power of Attorney take effect and for how long?

A Durable Power of Attorney does not become effective until it is determined that the principal is incapacitated. Durable Power remains in effect indefinitely, unless the principal designates an expiration date, revokes the document or regains the capacity to make health care decisions.

Who should receive copies of the Advance Directive? (Durable Power of Attorney, Living Will)

The Durable Power of Attorney Act and Bay Area Medical Center's policy both require that your physician be informed about the existence of a Living Will and/or Durable Power of Attorney for Health Care and be given a copy of these documents. These copies become a permanent part of your medical record.

In addition to the physician, copies of each document should be given to the person's spouse, children, other family members and/or friends so his or her wishes are made known to everyone involved.

Do I need a witness when I execute this document?

Yes. The Power of Attorney for Health Care must be signed by two witnesses who are at least 18 years of age. The statutory form requires that the witnesses must know the principal personally.

The following people cannot be used as your witnesses when executing this document:

- A person related to you by blood, marriage or adoption
- Your spouse or heir
- Your physician or the physician's employee
- The person you are designating as your health care agent
- Any employee of Bay Area Medical Center except employees who are hospital social workers or chaplains

Do I need a lawyer in order to execute an Advance Directive? (Durable Power of Attorney, Living Will)

No. A lawyer is not necessary but should be consulted if you have any questions or desire legal help.

Who can serve as my health care agent?

Anyone of sound mind who is at least 18 years of age may act as your agent with these exceptions:

- Your health care provider
- An employee of your health care provider or institution unless that person is your relative

Does a Living Will or Durable Power of Attorney have to be renewed?

Once signed, neither document needs to be renewed. However, each document is valid only in states which recognize the existence of these documents, as in Wisconsin. (Please see note for further clarification.)

Can a Living Will or Durable Power of Attorney be revoked?

Both a Living Will and Durable Power of Attorney can be revoked by the person who signed the document, either in writing or orally, by telling the attending physician or an attorney.

Where can I obtain more information about this?

Bay Area Medical Center has additional information and the forms necessary for Living Wills and Durable Power of Attorney for Health Care. Call the Case Management Department at (715) 735-4200, Ext. 3216.