Durable Power of Attorney for Health Care

A durable power of attorney for health care is a legal document that helps people plan for medical emergencies and decline in mental functioning.

A durable power of attorney for health care names a person (often referred to as an "agent") to make medical decisions on your behalf if you are no longer able to make health care decisions for yourself. This document is also known as a health care proxy or health care power of attorney.

What Decisions Will My Health Care Agent Make for Me?
Your agent may make decisions about starting or stopping treatments (including invasive therapies like mechanical ventilation); undergoing tests, surgery, and other treatments; and enrolling in hospice. If you have another document such as a living will, your agent will use that document to guide decisions made on your behalf.

How Do I Choose a Health Care Agent?
When choosing an agent, you should select an adult whom you trust and who is comfortable taking on this responsibility. You may also select second and third agents (called "successor agents") who serve as backup if your first agent is unavailable. It is critical to discuss your values and overall goals for medical care with your agent(s). Topics you should cover include:

• What is most important to you in your life?
• Do you prioritize living as long as possible or avoiding prolonged disability?
• How important to you is avoiding pain?
• Do you have spiritual, religious, or cultural beliefs that should be considered?
• Would you rather die at home or be in the hospital in the final days or weeks of life?
• Do you have existing advance directives (such as a living will) outlining your preferences for life-sustaining care, such as receiving cardiopulmonary resuscitation (CPR), mechanical ventilation, or artificial hydration and nutrition (tube feeding)?

Who Should Have a Durable Power of Attorney for Health Care?
Every adult should complete a durable power of attorney for health care, including younger and healthy individuals, because they may lose decision-making capability due to an injury or unexpected illness.

What If Someone Does Not Have a Durable Power of Attorney for Health Care?
Clinicians caring for patients who are not capable of making decisions and have no health care agent must follow their state law about the selection of individual decision makers (often referred to as "surrogates"). The default surrogate typically is a patient's guardian or spouse. If there is no guardian or spouse, the priority order of surrogate decision makers often includes adult child, parent, sibling, and other more distantly related relatives and friends, although the order varies among states.

Why Is It Better to Have a Health Care Agent Than a State-Appointed Surrogate?
A surrogate designated by state law may not be the individual whom you would have chosen to make medical decisions for you. Additionally, a default surrogate may not be aware of your wishes or may not want to take responsibility for making these medical decisions.

How Do I Access and Complete a Durable Power of Attorney for Health Care Form?
Each US state has its own durable power of attorney for health care form, which can be downloaded for free from the internet or obtained at a physician's office. This form must be signed by you and be witnessed by another designated individual. Some states require use of a notary; however, no US states require a lawyer for completion of this form.

What Should I Do With My Durable Power of Attorney for Health Care Form?
Save the original form and give a copy to your health care agent(s) as well as your primary care physician. You can also bring a copy with you if you are admitted to a hospital.

FOR MORE INFORMATION
National Institute on Aging

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