

# **Basic information about Health Care Power of Attorney**

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*Naming someone to make decisions about your healthcare  
when you cannot, is important to the ones you love.*



*For more information and free assistance, contact  
the Social Services Department at 608-847-1838.*



*Healthcare evolving for life*

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**Does my HCPOA need to be renewed?**

No. Once signed, the document does not need to be renewed, however, you should review the document periodically to ensure that it still reflects your wishes.

**Can my HCPOA be changed, and how?**

Yes. You may change the document at any time by executing a new document. If you choose to execute a new document you should give copies of it to everyone who has a copy of the old one. Once activated, the HCPOA cannot be changed or cancelled.

**Who should receive copies of the HCPOA document?**

Your physician should be informed that you have completed the document, and should be given a copy. In addition, copies should be given to your spouse, children, other family members and/or friends. This ensures that your wishes are made known to everyone involved.

**Where can I obtain more information and receive assistance with this?**

You can contact a member of the chaplain or social services departments at the hospital for information and assistance that is FREE of charge.

### **Do I need a lawyer in order to execute my HCPOA?**

No. A lawyer is not necessary. Questions can be answered by social services or chaplain staff at the hospital.

### **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, unless that person is your relative
- An employee of your health care provider or institution, unless that person is related to you

### **Do I need a witness when I sign the document?**

Yes. The HCPOA must be witnessed by two people who are at least 18 years of age. The witnesses must watch you sign the document. The following people CANNOT be used as a witness when signing the document:

- A person related to you by blood, marriage, or adoption
- Your spouse or heir
- Your physician or the physician's employee, unless it is a social worker or chaplain
- The person being designated as health care agent
- An employee of an inpatient health care facility in which you are a patient, except a chaplain or social worker

### **About Health Care Power of Attorney**

In April of 1990, the State of Wisconsin passed a law permitting a person to execute a document that 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 Health Care Power of Attorney (HCPOA), you can select someone to make decisions on your behalf who knows about your intentions and who will make health care choices that follow your wishes, values and beliefs.

### **Purpose of this booklet**

This booklet is provided to answer some basic questions about the HCPOA. Once you understand the concepts and how they may affect you or other members of your family, we suggest you contact the local hospital for additional information. You DO NOT need an attorney to complete this document. The hospital social workers can assist you with this FREE of charge.

## Commonly-used terms

**Incapacity:** The inability to receive and evaluate information effectively or to communicate decisions to an extent that the person is unable to manage his or her health care decision.

**Principal:** A person who is able to execute a HCPOA document.

**Health care agent:** An individual designated by a principal to make health care decision on behalf of the principal.

**Health care provider:** An individual licensed to provide health care, which includes - but is not limited to - nurses, chiropractors, dentists, physicians, physician assistants, podiatrists, physical and occupational therapists, optometrists, psychologists, people practicing Christian Science treatment, a corporation that provides health care services, cooperative sickness care plan that directly provides services through salaried employees in its facility, or a home health agency.

**Feeding tube:** A medical tube through which nutrition or hydration is administered into the vein, stomach, nose, mouth, or other body opening. IV fluids are also included in this definition, but you and your health care agent can make distinctions between different types of “feedings” and “tubes,” and their use in comfort and nutrition.

**Health care decision:** An informed decision in the exercise of the right to accept, maintain, stop or refuse health care.

## Frequently asked questions

### **What is a Health Care Power of Attorney?**

It is a document signed by you (the principal), designating someone you trust to make health care decisions on your behalf if you become incapacitated (unable to make your own decisions).

### **Why should I have my own HCPOA?**

By completing your HCPOA, you are ensuring that your wishes and desires regarding your health care are carried out, even when you cannot speak for yourself. If you do not have the HCPOA in place, and are not able to make decisions for yourself about health care, the court system may need to become involved and appoint someone to make decisions. This court-appointed decision maker (guardian) may not be the person you would have chosen. Completing your HCPOA, and expressing your wishes to the person you appoint is the best way to ensure that you are cared for the way you would want to be.

### **When does my HCPOA take effect and how long does it last?**

Unless otherwise specified in the document, the HCPOA does not become effective until it is determined that you (the principal) are incapacitated. A finding of incapacity must be made by two physicians (or one physician and one licensed psychologist) who have personally examined you. Your HCPOA remains in effect until you regain the capacity to make health care decisions.