

Guide to Your Medical Power of Attorney





Your TotalLegal™ Medical Power of Attorney

A power of attorney for health care gives someone you trust the legal authority to act on your behalf.

Depending on your individual circumstances, you may give this person vast or limited power to make medical and personal decisions for you. The durable power of attorney for health care allows the person to act on your behalf regarding only medical matters; it does not give someone the power to make financial decisions for you.

This "Guide to Your Medical Power of Attorney" is intended to help you do the following:

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Understanding Your TotalLegal™ Medical Power of Attorney

Listed below is a summary of the sections of your medical power of attorney (durable power of attorney for health care). If, after reviewing your power of attorney, you would like to make changes to any provision, please follow the instructions found later in this guide.

Designation of Health Care Patient Advocate

This paragraph identifies the principal, the principal's state of residence and appoints the agent (patient advocate) and successor agents (if selected) who will have power of attorney. If chosen, this paragraph may also name the agent as the guardian/conservator if guardianship/conservatorship proceedings should take place.

Effectiveness and Durability

This section identifies when the power of attorney becomes effective and identifies the power of attorney as durable (in effect during the principal's incapacity).

Purpose

This paragraph identifies the purpose of the power of attorney, which is to give the agent the authority to make decisions related to the principal's medical care.

Powers Regarding Health Care Decisions and Over the Person of the Principal

This section outlines the medical care decisions you have given your agent (patient advocate). TotalLegal™ offers the following medical care decision authorities:

- Health Care Decisions; Consent
- Exercise and Protect Rights
- Employ and Discharge Others
- Provide Relief from Pain
- Fees and Costs
- Make Advance Funeral Arrangements
- Agreement Regarding Care
- Grant Releases
- Arrange for Care
- Companionship and Visitation
- Right to Refuse Treatment
- Anatomical Gifts
- Health Care Records; Medical Information
- Autopsy
- Withdrawal of Consent to Treatment
- Consent or Refuse Consent to Psychiatric Care
- Execute Documents
- Legal Action
- Legal Action

Health Care Directive

This paragraph directs the agent (patient advocate) to consider and act in accordance with any health care directive, directive to physicians, or living will he/she may have.

Understanding Your TotalLegal™ Medical Power of Attorney

Limitations on Powers

This paragraph directs the agent (patient advocate) to make the same decisions the principal would if he or she were competent; otherwise, the agent (patient advocate) is to act in good faith in making a decision in the principal's best interest.

Termination and Revocation

This paragraph releases third parties from liability as long as they were acting in good faith and reliance upon the power of attorney.

General Provisions

This optional section allows you to appoint a guardian/conservator, name a non-family member to have first priority visitation, and give your agent (patient advocate) the power and authority to replace the guardian/conservator.

Addition to Medical Record

This section makes the power of attorney part of your permanent medical record upon your admission to a health care facility.

Administrative Provisions

This section does the following:

- Revokes any previously executed power of attorney for health care or appointment of guardian/conservator(s).
- Assigns the laws of your state to have jurisdiction over the power of attorney.
- Designates whether the agent (patient advocate) shall receive compensation or reimbursement for his/her services.
- States that if parts of the power of attorney are held to be illegal or otherwise unenforceable, the remainder of the power of attorney should still apply.
- Allows photocopies of the power of attorney to have the same validity as the original.
- Gives authority to your agent to acquire your medical records protected under HIPAA.
- Authorizes the agent to have first priority in visitation and to receive all your personal property upon your illness, disability, or death.

Acceptance By Patient Advocate

Some states require the agent to sign an acceptance form agreeing to honor your wishes and act in your best interest. Typically, the acceptance for patient advocate outlines state-specific language regarding the effectiveness, rights and responsibilities supplementing the power of attorney. If your state requires an agent to sign an acceptance form, one will be included with your TotalLegal™ power of attorney.

Ensuring Your Power of Attorney is Legally Valid

For state-specific information on ensuring your power of attorney is legally valid, please refer to the "Guidelines for Executing Your Health Care Power of Attorney" included with your TotalLegal™ document package.

Common Questions About Your Power of Attorney

What is a “Designation of Health Care Patient Advocate?”

A “Designation of Health Care Patient Advocate” is one type of an “advance directive.” An advance directive is a written document in which the principal gives instructions to an agent (patient advocate) about his or her medical care should the principal become incapacitated.

What is the difference between a durable power of attorney for health care and a living will?

Both documents are advanced directives.

A living will is a document that informs doctors and other health care professionals of your wishes regarding artificial life support, feeding tubes, and hydration if you are unable to communicate on your own behalf.

On the other hand, a durable power of attorney for health care allows you to designate a health care agent to make decisions about your medical treatment if you are unable to communicate on your own behalf. While a living will sets forth your specific wishes about life sustaining treatment, a durable power of attorney for health care can be used for a wide range of health care decisions, including surgery and experimental treatments.

If you do not have a durable power of attorney for health care, TotalLegal™ offers one customized to your needs. Visit: www.totallegal.com to get started.

How should I choose an agent (patient advocate)?

The most important aspect of choosing an agent is to designate someone who will act in your best interest. Before choosing an agent, you may want to think about the answers to the following questions:

1. Do I trust this person?
2. Does this person understand my feelings and beliefs?
3. Will the person I choose selflessly follow my wishes?
4. Is this person willing to take on this responsibility?

When does a power of attorney expire?

A durable power of attorney, which is a power of attorney that remains in effect even if the person who created it (the principal) becomes incapacitated, generally does not expire unless one of the following events occurs:

- The death of the principal;
- The revocation of the power of attorney by the principal;
- The power of attorney specifies a date or event upon which the agent's power terminates and that date has arrived or the event has occurred;
- The purpose of the power of attorney is accomplished;
- The agent dies or becomes incapacitated and the power of attorney does not name any successor agent; or
- Legal action results in a court ruling that the power of attorney is no longer in effect.

Common Questions About Your Power of Attorney

Can I make changes to my power of attorney?

You may make changes to your will for sixty (60) days after purchase* at no additional charge by doing the following:

1. Log in to www.totallegal.com from the home page.
2. If more than one document is shown, select the correct document.
3. Select "Update this document."
4. Make your changes using the edit section tabs.
5. Continue through the rest of the online interview.
6. Select "Download" to save the changes and print your revised document.

*If you would like to make changes to your document that the TotalLegal™ interview does not accommodate, you may do so using Microsoft Word after purchase.

TotalLegal™ Plan members may access and revise documents beyond the 60-day revision period. Non-members will be required to purchase a new TotalLegal™ power of attorney and complete the online interview again if changes are needed beyond the 60-day revision period. For more information on the TotalLegal™ Plan, visit www.totallegal.com.

When you update your power of attorney, you should destroy the previous power of attorney and all copies of it to avoid the possibility of confusion.

Can I revoke my power of attorney?

Yes. You may revoke the power of attorney at any time, so long as you are mentally capable of doing so. If you would like to revoke your TotalLegal™ power of attorney, simply email our Customer Service representatives at: info@totallegal.com and a "Revocation of Power of Attorney" form will be mailed to you at no additional charge.

You should make sure your agent (patient advocate) receives a copy of this form.

Does this power of attorney cover financial decisions?

No. The durable power of attorney for health care deals only with health care decisions. A durable power of attorney for finance allows an individual designated by you to handle your business and financial matters should you become unable to do so yourself.

TotalLegal™ offers a durable power of attorney for finance customized to your needs. Simply visit: www.totallegal.com to get started.

Common Terms Related to Power of Attorney

Advance Health Care Directive: Also commonly referred to as a “living will,” this document informs doctors and other health care professionals of your wishes concerning artificial life support, feeding tubes, and hydration if you ever become unable to communicate your wishes verbally.

Agent: One who is authorized to act for or in place of another; also known as a “patient advocate.”

Conservator: A person appointed (usually by a third party, like a court) to make medical decisions for you. Also known as a “guardian.”

Durable Power of Attorney: A power of attorney that remains in effect during the principal’s incapacity.

Estate: Everything owned by the principal, including personal belongings, real estate, savings, investments, life insurance, business interests, and employee benefits.

Incapacity: A mental or physical disability rendering a person incapable of managing his or her affairs.

Principal: The person who is requiring the agent or patient advocate to act on his or her behalf.

Successor Agent: The person the principal appoints to serve as agent if the original agent becomes unable or unwilling to serve any longer.

Notarizing Your Documents

A notary public is an official appointed by state government (typically by the secretary of state) to serve the public as an impartial witness in performing a variety of official fraud-deterrent acts related to the signing of important documents. These official acts are called notarizations or notarial acts.

Is my power of attorney legally binding if it is not notarized?

Document signing requirements vary from state to state. Please review the TotalLegal™ guidelines for executing your power of attorney included with your package to see whether your document needs to be notarized.

Where can I find a notary public?

Notaries public are generally available at most county offices, such as a county clerk, as well as insurance companies, credit unions, banks and law offices. However, it is important to note that while these businesses may employ a notary, the business may have a policy restricting the type of documents the notaries may notarize. To ensure the notary is able to notarize your type of document(s), it may be a good idea to call the business first. You can also search for notaries in your area through online notary associations:

Notary Rotary:

www.notaryrotary.com

123 Notary:

www.123notary.com



What is the cost to notarize a document?

Fees vary and can be as much as \$10 in some states and as little as 50 cents in others. Notary fees are set by state law.

What type of identification will the notary accept for verifying my signature?

- State Driver's License or State ID card.
- U.S. passport.
- Foreign passport stamped by the USCIS.
- U.S. Military ID.
- ID card issued by the USCIS.
- An inmate identification card issued by the United States Department of Justice, Bureau of Prisons, for an inmate who is in the custody of the department.
- A sworn, written statement from a sworn law enforcement officer that the forms of identification for an inmate in an institution of confinement were confiscated upon confinement and that the person named in the document is the person whose signature is to be notarized.

Notes



