

Advance Directives

There are five categories of people who may not serve as witnesses to the Durable Power of Attorney for Healthcare.

They are:

1. those related to you by blood, marriage or adoption
2. those who acknowledge that they are entitled to or have a claim on any portion of your estate
3. those directly financially responsible for your healthcare
4. a healthcare provider who is serving you at the time of execution
5. the healthcare agent you have named

Does a Living Will or Power of Attorney for Healthcare 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.

Can a Living Will or Power of Attorney for Healthcare be revoked?

Both the Living Will and the Power of Attorney for Healthcare can be revoked by the principal, either in writing or orally, by telling the attending physician or an attorney. If you revoke these documents, you should also inform the original healthcare agent.

Basic 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 healthcare decisions.

Principal: A person who is able to execute a Power of Attorney for Healthcare document.

Healthcare Agent: A person designated by a principal to make healthcare decisions on behalf of the principal.

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

For more information, contact: Care Management

Ripon Medical Center • (920) 748-3101
St. Agnes Hospital • (920) 926-5501
Waupun Memorial Hospital • (920) 324-5581

All people have the right to refuse or accept medical and surgical recommendations from healthcare providers. Yet, there are times when an individual cannot make his or her wishes known. For this reason, in April 1990, the State of Wisconsin passed a law which permits a person to execute what is called a Power of Attorney for Healthcare. This document authorizes another person to make healthcare decisions when the individual is not capable of doing so.

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

Purpose of this brochure

This brochure is provided to answer some basic questions about the Power of Attorney for Healthcare. Once you understand the concepts and how they may affect you or other members of your family, we suggest you contact the Care Management department at the hospital for additional information.

What is Power of Attorney for Healthcare?

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

What is a Living Will?

The Living Will, or "Declaration to Physicians," as it is known in Wisconsin, is a document that you fill out to inform your doctor that in the event you have a terminal illness or injury and your death is imminent, you want life-sustaining procedures to be withheld or withdrawn so that you may be permitted to die naturally. The Power of Attorney for HealthCare form is now the preferred document.

What is the difference between a Living Will and Power of Attorney for Healthcare?

They have some similarities. The basic difference is that the Living Will is a document limited in scope to addressing only your preferences for medical treatment when in a terminal condition.

The Power of Attorney for Healthcare is broader in scope. It includes all healthcare decisions with only a few possible exceptions. It designates a healthcare agent to act on your behalf to provide information and clarification about your wishes when you are deemed incapacitated. It does not require that you be in a terminal condition before your agent can make healthcare decisions.

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

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

Who should receive copies of the Power of Attorney for Healthcare document?

A copy of the document should be given to the hospital where you receive medical treatment. In addition to the hospital, copies of each document should be given to your physician, healthcare agent, spouse, other family members and/or friends as appropriate, so your wishes are made known to everyone involved.

Do I need a lawyer in order to execute a Power of Attorney for Healthcare?

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

Who can serve as my healthcare agent?

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

- a. Your healthcare provider
- b. An employee of your healthcare provider or institution unless that person is your relative

Do I need a witness when I execute this document?

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