

You've Been Named as an Agent under a Power of Attorney for Health Care. . . Now What?

A Power of Attorney for Health Care is a legal document a person (known as a principal) signs to appoint another person (known as an agent) to act on his or her behalf for medical and health care matters. What should you do if you are designated as someone's agent? Below are some frequently asked questions.



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What Should I Do First?

Obtain a copy of the power of attorney. Some agents are empowered to act as soon as the power of attorney is signed by the principal. Some agents may act only after a physician certifies the principal is not capable of making medical and health care decisions.

Do I Have To Be An Agent?

No, you are not obligated to act as an agent. If you decline your appointment, the designated successor agent, if any, may act.

Do I Need An Attorney?

Before taking any action as agent, consult an attorney. A qualified estate and trust attorney can review the power of attorney and provide legal guidance to ensure you properly exercise your authority as agent.

How Do I Let Health Care Providers Know I Am Acting As An Agent?

To establish your authority as agent, provide medical and health care providers with a copy of the power of attorney. Be sure health care providers know your name and how to contact you.

What Kind of Decisions Can I Make As An Agent?

Agents may be given broad powers or limited powers. Most agents can direct or refuse routine medical treatments, speak with health care providers, access medical records, give permission for tests, authorize surgery, and withdraw or decline life-sustaining or death-delaying treatments. Some agents are also given post-death authority to donate organs, request an autopsy, and direct the disposition of remains.

Do I Have To Pay For The Medical Services I Authorize For The Principal?

No, you are not personally responsible for the costs of the principal's medical care. But before authorizing medical care, you should consider whether the principal has the ability to pay for the services.

What Do I Need To Know Before Making Health Care Decisions As An Agent?

You should understand the principal's wishes ahead of time. Your decisions as agent should reflect the principal's health care preferences for routine medical decisions and end-of-life health care choices.

Can A Spouse Or Other Family Member Overrule My Decisions As An Agent?

No, if you are named as an agent under a valid Power of Attorney for Health Care, you have the legal right to make health care decisions for the principal even if the principal's family members disagree with those decisions.

Must Physicians and Other Health Care Providers Follow My Instructions As An Agent?

Yes, health care providers must honor your decisions as an agent unless the principal did not give you authority to make a particular medical decision.

What If A Health Care Provider Refuses To Follow My Instructions?

If any health care provider refuses to follow your instructions, you should immediately contact a hospital social worker, patient representative, or chaplain. If a physician refuses to follow your instructions, you should also consider filing a formal complaint with the appropriate ethics committees, such as the hospital or clinic ethics department, the state medical society, or the American Medical Association.

If The Principal Dies, Am I Legally Responsible?

No, if the principal dies because you directed the withdrawal or withholding of life-sustaining treatment, the death is not treated as a homicide or suicide.



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