

Durable Power of Attorney Healthcare

What is a durable power of attorney for healthcare?

A durable power of attorney for healthcare is a document that lets you name someone to make health care decisions for you.

Why is it important to have a power of attorney?

A power of attorney is an important document for everyone to have. If you do not have a power of attorney and become unable to make healthcare decisions for yourself, no one will have legal authority to make healthcare decisions for you. Your family or friends would have to file a conservatorship to have someone named as your decision-maker. A conservatorship is a formal proceeding in a court, usually requires an attorney, and is usually very expensive.

What does the “durable” mean in the title?

A power of attorney should have language making it “durable,” meaning that it will continue to be in effect even if you become incapacitated, or unable to make decisions for yourself. If a power of attorney is not durable, it will not be effective after you become incapacitated.

When does the power of attorney for healthcare go into effect?

Most healthcare power of attorneys go into effect when you are not able to make decisions for yourself.

What kind of decisions can my agent make for me?

You can allow your agent to make a wide range of healthcare decisions for you, including choices about the scope of your medical treatment and the handling of your body after your death.

Who should I choose as my agent?

You should choose a trusted family member or friend as your agent. It is best to choose someone who lives local since some decision-making may require in-person contact. If you need an agent but have no trusted family or friends to act as your agent, the Public Guardianship Program could be an option. You must be over the age of 60 to qualify. For more information about the Public Guardianship Program, visit www.tn.gov/aging/our-programs/public-guardianship.html.

What do I do with my power of attorney for healthcare once I sign it?

You should give copies to your regular treating doctor and other medical providers. You should also be prepared to give a copy to the hospital any time you are admitted for care.

What if I change my mind?

You can revoke your durable power of attorney for healthcare at any time by signing a statement that you no longer want the durable power of attorney in place. You should give copies of your revocation to any hospitals, doctors, or clinics to which you gave copies of your power of attorney.

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