
Health Care Power of Attorney (Patient Advocate Designation)

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What is a power of attorney for health care (Patient Advocate Designation)?

This is a legal document in which you appoint another person (called a patient advocate) to make health care decisions for you when you are no longer able to participate in medical treatment decisions. The Patient Advocate's authority to make medical decisions includes the authority to obtain health information about you, to choose health care providers, and the authority to admit or discharge you from a hospital, nursing home, or other health care facility.

When does a Patient Advocate Designation take effect?

The Patient Advocate designation becomes effective when your attending physician and one other physician or psychologist certify that you are no longer able to participate in medical treatment decisions

What is the difference between a Patient Advocate Designation and a living will?

Both documents are considered "advanced directives" and take effect when you are no longer able to participate in medical treatment decisions. In a Patient Advocate Designation you state who you want to make medical decisions on your behalf when you are no longer able to participate in such decisions. In a living will you state how you want those medical decision to be made - under what circumstances do you want, or not want, certain types of treatment. A Michigan law enacted in 1990 specifically authorizes Patient Advocate Designations. There is no similar law for living wills.

However, in your Patient Advocate Designation you can include provisions that tell your Patient Advocate what types of treatment you want or don't want under various circumstances. By doing so, you are essentially combining the principles of a patient advocate designation and a living will.

Does a Patient Advocate have the right to refuse life supports or life sustaining treatments?

A Patient Advocate Designation can contain provisions that give the Patient Advocate the authority to refuse or withdraw life sustaining treatment. It can also give the Patient Advocate the authority to withhold or withdraw food and water through tube feeding. If you intend to give your Patient Advocate this authority you must express in a clear and convincing manner that your Patient Advocate is authorized to make such decisions and you must acknowledge that these decisions could or would result in your death. You should include guidelines for the Patient Advocate to follow in making these life and death decisions. For example, you can state that if you are in an irreversible coma (persistent vegetative state) with no reasonable likelihood that you will regain consciousness, your Patient Advocate has the authority to refuse or terminate life supports. A Patient Advocate can be authorized to sign a Do Not Resuscitate (DNR) Order.

Does a Patient Advocate have the right to make organ donations?

You can include a provision that gives your Patient Advocate the authority to make organ donations.

Does a Patient Advocate have the right to admit me to a mental health facility for treatment including the administration of psychiatric medications?

You can include a provision in your Patient Advocate Designation giving your Patient Advocate the authority to exercise powers regarding mental health treatment, including administration of psychiatric medications and hospitalization as a "formal voluntary

patient.” You can also include a statement of your desires regarding mental health treatment.

Are there any restrictions on who can be appointed as a Patient Advocate?

You can appoint anyone over the age of 18. The person you designate must sign a statement accepting the appointment. Obviously you should choose someone you trust and who shares your values. It is good idea to name an alternate (successor) patient advocate, in the event that the first person you select is unable or unwilling to serve, or cannot be contacted in time. There is no provision in the law for co-Patient Advocates. Your Patient Advocate cannot delegate his/her authority to someone else unless you have specifically given the Patient Advocate that authority.

Is my Patient Advocate financially responsible for my care?

No. A Patient Advocate does not take on financial responsibility for your care. A Patient Advocate cannot be paid for his/her services, but can be reimbursed for out of pocket expenses

What happens if I have a court appointed guardian?

If the Probate Court appoints a guardian for you who is not the person that you named as your Patient Advocate, the person you named as Patient Advocate would continue to have the authority to make medical decisions on your behalf unless the Court orders otherwise. Your guardian would have the authority to make other types of personal decisions.

Can my doctor or other health care provider refuse to honor my Patient Advocate Designation?

Health care providers should honor the Patient Advocate’s directions. However if they believe the Patient Advocate is acting unreasonably they can file a petition in Probate Court and ask the Court to authorize treatment.

