

Durable Powers of Attorney for Health Care and Living Wills

Everyone needs to appoint a trusted person to make health care decisions for them when they are no longer able to make or direct their own medical treatment. The person who is appointed is sometimes called the “health care agent.” The document used to appoint a health care agent is usually called a “durable power of attorney for health care.” A “health care” power of attorney does not cover financial decisions. A “durable general power of attorney” is normally just for finances, not health care (though some old durable powers of attorney covered both).

Some people think that because they have a “living will” they do not need a document appointing a health care agent, but that is not true. A health care power of attorney gives your agent the authority to give “informed consent” to authorize any medical care you might need (surgery, for instance) when you cannot direct your own health care. A durable power of attorney for health care does not take away your own authority to make decisions for yourself so long as you are able to do so.

Everyone needs to appoint a health care agent, and Tennessee has authorized a simple one page form that is available for everyone. (You can even download a basic blank form from our website by clicking [here](#).)

A “living will” may also be important to give guidance to your family and physicians about your wishes for your care in the event of a terminal condition. Often durable health care powers of attorney include living will provisions. Even if you do not have a living will, your health care agent has the authority to make decisions based upon your own wishes as expressed to your agent. You should always discuss your wishes in this respect with your whole family, but particularly with your designated health care agent.