

# POA – Yes or No

## POA – what is it and why do I need one?

POA is an acronym for "Power of Attorney." There are two types of POA documents – medical and financial. Each document designates a person or persons whom you have selected to make choices for you if you become mentally incapacitated. These documents are crucial for anyone 18 or older. Without them, probate court must get involved to designate who will make decisions if you become incapacitated. Medical and financial POAs can name different agents but should absolutely be people whom you trust.

## What is a patient advocate?

A patient advocate is the agent named in a health care power of attorney document. When a patient is unable to make their own medical decisions (i.e. unconscious, under anesthesia, dementia), the patient advocate then makes those decisions for the patient.

## What happens if I don't have Health Care or Financial POAs in place?

If you are NOT able to make your own financial or health care decisions, and don't have a health care power of attorney document in place, you will be faced with a probate court matter to appoint a Conservator or Guardian. A probate judge will then decide who gets to make those decisions, and that person will be responsible for your care.



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## Does my spouse automatically have the right to make medical decisions for me in the event of my incompetency?

Unfortunately, no. Most people think that since you are married, that automatically gives power to a spouse in a medically sensitive situation. However, this is not true. Your spouse (merely because you are married to this person) technically has no legal right to make decisions for you in the event you become incompetent. The way to guarantee that your spouse (or anyone) has the right to make decisions for you, (medical or financial), is by having a properly drafted power of attorney document listing them as your agent (**Patient Advocate** under a health care power of attorney document and **Attorney-in-Fact** under a financial power of attorney document).