

## ILLINOIS STATUTORY SHORT FORM POWER OF ATTORNEY FOR HEALTH CARE

[Notice: The purpose of this power of attorney is to give the person you designate (your "Agent") broad powers to make health care decisions for you, including power to require, consent to or withdraw any type of personal care or medical treatment for any physical or mental condition and to admit you to or discharge you from any hospital, home or other institution. This form does not impose a duty on your agent to exercise granted powers: but when a power is exercised, your agent will have to use due care to act for your benefit and in accordance with this form. A court can take away the powers of your agent if it finds the agent is not acting properly. You may name successor agents under this form but not co-agents. Unless you expressly limit the duration of this power in the manner provided below, until you revoke this power or a court acting on your behalf terminates it, your agent may exercise the powers given here throughout your lifetime, even after you become disabled. The powers you give your agent, your right to revoke those powers and the penalties for violating the law are explained more fully in sections 4-6, 4-9 and 4-10(b) of the Illinois "Powers of Attorney for Health Care Law" of which this form is a part (see the back of this form). That law expressly permits the use of any different form of power of attorney you may desire. If there is anything about this form that you do not understand, you should ask a lawyer to explain it to you.]

Power of attorney made \_\_\_\_\_, 20SSS.

(1) I, \_\_\_\_\_ hereby appoints \_\_\_\_\_ as my attorney-in-fact (my "agent") to act for me and in my name (in any way I could act in person) to make any and all decisions for me concerning my personal care, medical treatment, hospitalization and health care and to require, withhold or withdraw any type of medical treatment or procedure, even though my death may ensue. My agent shall have the same access to my medical records that I have, including the right to disclose the contents to others. My agent shall also have full power to make a disposition of any part or all of my body for medical purposes, authorize an autopsy and direct the disposition of my remains. (The above granted of power is intended to be as broad as possible so that your agent will have authority to make any decision you could make to obtain or terminate any type of health care, including withdrawal of food and water and other life-sustaining measures, if your agent believes such action would be consistent with your intent and desires. If you wish to limit the scope of your agent's powers or prescribe special rules or limit the power to make an anatomical gift, authorize autopsy or dispose of remains, you may do so in the following paragraphs.)

(2) The powers granted above shall not include the following powers or shall be subject to the following rules or limitations (here you may include any specific

limitations you deem appropriate, such as: your own definition of when life sustaining measures should be withheld; a direction to continue food and water in all events; or instructions to refuse any specific types of treatment that are inconsistent with your religious beliefs or unacceptable to you for any other reason, such as blood transfusion, electro-convulsive therapy, amputation, psychosurgery, voluntary admission to a mental institution, etc.):

(The subject of life-sustaining treatment is of particular importance. For your convenience in dealing with that subject, some general statements concerning the withholding or removal of life-sustaining treatment are set forth below. If you agree with one of these statements, you may initial that statement; but *do not initial more than one*):

I do not want my life to be prolonged nor do I want life-sustaining treatment to be provided or continued if my agent believes the burdens of the treatment outweigh the expected benefits. I want my agent to consider the relief of suffering, the expense involved and the quality as well as the possible extension of my life in making decisions concerning life-sustaining treatment. If I should be in terminal condition or permanently unconscious or have irreversible brain damage such that it is unlikely that I will ever regain the ability to make decisions, I do not want cardiac resuscitation, mechanical respiration, tube feeding, artificial nutrition or hydration, or antibiotics, but wish to be permitted to die naturally, with only medication necessary to relieve pain, so long as such medication does not unduly prolong my life.

Initialed \_\_\_\_\_

I want my life to be prolonged and I want life-sustaining treatment to be provided or continued unless I am in a coma which my attending physician believes to be irreversible, in accordance with reasonable medical standards at the time of reference. If and when I have suffered irreversible coma, I want life-sustaining treatment to be withheld or discontinued.

Initialed \_\_\_\_\_

I want my life to be prolonged to the greatest extent possible without regard to my condition, the chances I have for recovery or the cost of the procedures.

Initialed \_\_\_\_\_

**HIPAA Release Authority** When in the process of determining my incapacity, I intend for the person named as my agent to be treated as I would be with respect to my rights regarding the use and disclosure of my individually identifiable health information or other medical records including providing to them a medical opinion about my capacity. This release authority applies to any information governed by the Health Insurance Portability and Accountability

Act of 1996 (aka HIPAA), 42 USC 1320d and 45 CFR 160-164 as may be amended from time to time.

I authorize: any physician, healthcare professional, dentist, health plan, hospital, clinic, laboratory, pharmacy or other covered health care provider, any insurance company and the Medical Information Bureau Inc or other health care clearinghouse that has provided treatment or services to me or that has paid for or is seeking payment from me for such services to give, disclose and release to my agent, without restriction, all of my individually identifiable health information and medical records regarding any past, present or future medical or mental health condition, to include all information relating to the diagnosis and treatment of HIV/AIDS, sexually transmitted diseases, mental illness and drug or alcohol abuse.

The authority given my agent shall supersede any prior agreement that I may have made with my health care providers to restrict access to or disclosure of my individually identifiable health information. The authority given my agent has no expiration date and shall expire only in the event that I revoke the authority in writing and deliver it to my health care provider.

(This power of attorney may be amended or revoked by you at the time and in any manner while you have the capacity to do so. Absent amendment or revocation, the authority granted in this power of attorney will become effective at the time this power is signed and will continue until your death, and beyond if anatomical gift, autopsy or disposition of remains is authorized, unless a limitation on the beginning date or duration is made by initialing and completing either or both of the following:)

- (3) This power of attorney shall become effective on \_\_\_\_\_, 20SSS. (insert a future date or event during your lifetime, such as court determination of your disability, when you want this power to first take effect).
- (4) This power of attorney shall terminate on death (insert a future date or event, such as court determination of your disability, when you want this power to terminate prior to your death).

(If you wish to name successor agents, insert the names and addresses of such successors in the following paragraph.)

- (5) If any agent named by me shall die, become legally disabled, resign, refuse to act or be unavailable, I name the following (each to act alone and successively, in the order named) as successors to such agent:

(If you wish to name a guardian of your person in the event a court decides that one should be appointed, you may, but are not required to, do so by inserting the name of such guardian

in the following paragraph. The court will appoint the person nominated by you if the court finds that such appointment will serve your best interests and welfare. You may, but are not required to, nominate as your guardian the same person named in this form as your agent.)

(6) If a guardian of my person is to be appointed, I nominate the following to serve as such guardian:

(7) I am fully informed as to all the contents of this form and understand the full import of this grant of powers to my agent.

Signed \_\_\_\_\_

SIGNED AND SWORN TO BEFORE ME ON \_\_\_\_\_, 20SSS.

\_\_\_\_\_

**NOTARY PUBLIC**

(You may, but are not required to, request your agent and successor agents to provide specimen signatures below. If you include specimen signatures in this power of attorney, you must complete the certification opposite the signatures of the agents.)

Specimen signatures of agent (and successors)

\_\_\_\_\_

I certify that the signatures of my agent (and successors) are correct.

\_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME ON \_\_\_\_\_, 20SSS

\_\_\_\_\_

**NOTARY PUBLIC**

\_\_\_\_\_

Excerpts from Illinois Power of Attorney for Health Care Law

Section 4.5. Limitations on health care agencies. Neither the attending physician nor any other health care provider may act as agent under a health care agency; however, a person

who is not administering health care to the patient may act as health care agent for the patient even though the person is a physician or otherwise licensed, certified, authorized, or permitted by law to administer health care in the ordinary course of business or the practice of a profession.

**Section 4.6 Revocation and amendment of health care agencies.**

(a) Every health care agency may be revoked by the principal at any time, without regard to the principal's mental or physical condition, by any of the following methods:

(1) By being obliterated, burnt, torn or otherwise destroyed or defaced in a manner indicating intention to revoke;

(2) By a written revocation of the agency signed and dated by the principal or person acting at the direction of the principal; or

(3) By an oral or any other expression of the intent to revoke the agency in the presence of a witness 18 years of age or older who signs and dates a writing confirming that such expression of intent was made.

(b) Every health care agency may be amended at any time by a written amendment signed and dated by the principal or person acting of the direction of the principal.

(c) Any person, other than the agent to whom a revocation or amendment is communicated or delivered shall make all reasonable efforts to inform the agent of that fact as promptly as possible.

**Section 4.9 Penalties. All persons shall be subject to the following sanctions in relation to health care agencies, in addition to all other sanctions applicable under any other law or rule of professional conduct:**

(a) Any person shall be civilly liable who, without the principal's consent, willfully conceals, cancels or alters a health care agency or any amendment or revocation of the agency or who falsifies or forges a health care agency, amendment or revocation.

(b) A person who falsifies or forges a health care agency or willfully conceals or withholds personal knowledge of an amendment or revocation of a health care agency with the intent to cause a withholding or withdrawal of lifesustaining or death-delaying procedures contrary to the intent of the principal and thereby, because of such act, directly

causes lifesustaining or death-delaying procedures to be withheld or withdrawn and death to the patient to be hastened shall be subject to prosecution for involuntary manslaughter.

(c) Any person who requires or prevents execution of a health care agency as a condition of insuring or providing any type of health care services to the patient shall be civilly liable and guilty of a Class A misdemeanor.

#### Section 4.10 Statutory short form power of attorney for health care.

(a) [Paragraph (a) sets out the form of the statutory health care power that is reproduced on the face of this form.]

(b) The statutory short form power of attorney for health care [the "statutory health care power"] authorizes the agent to make any and all health care decisions on behalf of the principal which the principal could make it present and under no disability, subject to any limitations on the granted powers that appear on the face of the form, to be exercised in such manner as the agent deems consistent with the intent and desires of the principal. The agent will be under no duty to exercise granted powers or to assume control of or responsibility for the principal's health care; but when granted powers are exercised, the agent will be required to use due care to act for the benefit of the principal in accordance with the terms of the statutory health care power and will be liable for negligent exercise. The agent may act in person or through others reasonably employed by the agent for that purpose but may not delegate authority to make health care decisions. The agent may sign and deliver all instruments, negotiate and enter into all agreements and do all other acts reasonably necessary to implement the exercise of the powers granted to the agent without limiting any of the foregoing, the statutory health care power shall include the following powers, subject to any limitations appearing on the face of the form.

(1) The agent is authorized to give consent to and authorize or refuse, or to withhold or withdraw consent to, any and all types of medical care, treatment or procedures relating to the physical or mental health of the principal, including any medication program, surgical procedures, life-sustaining treatment or provision of food and fluids for the principal.

(2) The agent is authorized to admit the principal to or discharge the principal from any and all types of hospitals, institutions, homes, residential or nursing facilities, treatment centers and other health care institutions providing personal care or treatment for any type of physical or mental condition. The agent shall have the same right to visit the principal in the hospital or other institution as is granted to a spouse or adult child of the principal, any rule of the institution on the contrary notwithstanding.

**(3) The agent is authorized to contract for any and all types of health care services and facilities in the name of and on behalf of the principal and to bind the principal to pay for all such services and facilities and to have and exercise those powers over the principal's property as are authorized under the statutory properly power to the extent the agent deems necessary to pay health care costs; and the agent shall not be personally liable for any services or care contracted for on behalf of the principal.**

**(4) At the principal's expense and subject to reasonable rules of the health care provider to prevent disruption of the principal's health care, the agent shall have the same right the principal has to examine and copy and consent to disclosure of all the principal's medical records that the agent deems relevant to the exercise of the agent's powers, whether the records relate to mental health or any other medical condition and whether they are in the possession of or maintained by any physician, psychiatrist, psychologist, therapist, hospital, nursing home or other health care provider.**

**(5) The agent is authorized to direct that an autopsy be made pursuant to section 2 of "An Act in relation to autopsy of dead bodies", approved August 13, 1965, including all amendments; to make a disposition of any part or all of the principal's body pursuant to the Uniform Anatomical Gift Act, as now or hereafter amended; and to direct the disposition of the principal's remains.**