

CAC Corner: Durable Power of Attorney | CPD

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A Durable Power of Attorney, which covers medical and financial matters, is a legal document that gives your designated representative the “power to act in your place” should you become mentally incapacitated and/or unable to handle your affairs. It can be prepared as one document covering medical and financial matters or separate documents, one for medical and one for financial.

When a person becomes disabled or has an illness that renders them unable to handle their affairs or make decisions for themselves, the decision making falls can fall on others. Having someone designated as your representative and having the right paperwork authorizing them to represent you is extremely important.

In May, my husband had a stroke, which has been not only life changing but also an educational experience in the fact that everyone should be prepared for such changes.

His stroke started with symptoms of the flu. He had none of the symptoms they tell you to watch for. He was weak and thinking he had become dehydrated, I took him to the ER. There they discovered he had a bleeding stroke, which required transportation to another hospital. A nurse asked my husband if he had medical power of attorney authorizing me to make medical decisions for him should he be unable to make them himself. We had done “advanced directives” but this was something we had not done. He was able to talk and understand most of what was happening but the nurse and doctor advised that medication they were going to give him would make him somewhat incoherent or unable understand necessary treatment. The nurse brought paperwork for my husband to sign giving me permission to act on his behalf in making any medical decisions explaining that it may be needed

at the hospital where he was being transferred. Once at the new hospital it did help in that I was able to give them permission to treat him because he was unable to. It took a lot of worry off me because there were no delays in his treatment. Medical matters were easily taken care of with this simple piece of paper. I as able to not only deal with doctors on my husband’s behalf but also with the insurance company.

Thinking that all was well, I discovered that there were financial matters that had to be dealt with. While the power of attorney covered medical matters, it did not cover financial matters. My husband was in intensive care for almost two weeks, unable to comprehend anything. When I went to pay bills, I discovered that companies/banks would not talk to me even though my name was on an account. When I provided them with the Medical power of attorney, I was told that what I really needed was a “durable power of attorney that covered both medical and financial. Fortunately, I did have contact with some companies that assisted me with basic information I needed, but others refused to talk to me at all. Through a person at the hospital, I was able to obtain a Durable Power of Attorney and when my husband was able to comprehend what he was signing, it was signed. I also had one prepared for myself so that if something happened to me where I was unable to handle my own affairs, the person I assigned as my representative would have no problems dealing with medical or financial issues that might come up.

It is important that as you choose a representative(s), you get their permission and explain what you want them to do in regards to your financial or medical or other matters. It is also important that you should check the regulations/rules regarding durable power of attorneys in your state and/or seek legal advice. Durable power of attorney is also not permanent and can be canceled or changed anytime you desire.

Everyone should make sure that a durable power of attorney designating someone to make decisions and/or act on their behalf should they become incapacitate. It has made taking care of medical and financial matter since my husband's stroke much easier and thus relieving a lot of stress. Providing copies to insurance companies, employers, financial institutions and medical facilities has made it faster and simpler when communication with them is needed. It has also allowed me to avoid unnecessary stress on my husband during the healing process when cognitive issues still occurring.

A durable power of attorney is a simple matter to prepare or have prepared. It is an important document that can

help not only your representative/caregiver when you are incapacitate, but also help ensure that your affairs are handled as you wish them to be taken care of.