
HEALTH CARE POWER OF ATTORNEY OR HEALTH CARE PROXY NOTIFICATION

What is a Health Care Power of Attorney or Health Care Proxy?

A Health Care Power of Attorney or Health Care Proxy (Proxy) is a legal document that authorizes an individual who volunteers to become the Health Care Representative (HCR) to make health care decisions on behalf of a person in the event they are not able to make decisions for themselves. For example, if this person is unconscious, mentally incompetent, or otherwise unable to make decisions, the Proxy gives the HCR the legal authority to make decisions that will affect this person's care and treatment, allow access to medical records, as well as, decide to donate organs, authorize an autopsy, and dispose of their body, in the event of their death.

Who can be a Health Care Representative (HCR)?

A HCR must be over age 18 and is not a person's doctor or health care provider. This can include family members, friends or a trusted individual. The HCR must be willing to accept the responsibility of making critical health care decisions; however, they are immune from liability so long as they act in good faith. The HCR should be aware of the person's wishes in the event they are unable to make decisions for themselves. The HCR is the only person with the legal authority to make decisions about the care and treatment, even if others disagree. A person may designate an alternate HCR.

Why is having a Health Care Power of Attorney or Health Care Proxy important?

In the event that a person should become seriously ill or injured and cannot make medical decisions for themselves, someone will have to make those decisions on behalf of the individual. A person having a Proxy, and with an HCR they trust, will ensure that their wishes will be conveyed to medical providers. A person without an HCR leaves decisions about their care up to family, physicians or health care providers, not necessarily in that order.

The following key points about the HCR and Proxy are provided.

- The Proxy must be signed by the Proxy owner and the HCR in the presence of two witnesses or one notary public
- The signed Proxy cannot be overruled by family or physicians without court intervention; and
- The Proxy owner can revoke the Proxy at any time by destroying the document and notifying the HCR orally or in writing.

Attached is a sample Proxy Directive that you can use. If you need assistance contact your IL Social Worker.

I, _____, have been informed of the above information.

Youth Signature

Date