



Health Care Power of Attorney FAQs



A health care power of attorney (HC-POA) is a document authorizing an attorney-in-fact (your designated agent) to make health care decisions on your behalf if you (the principal) are unable, in the judgment of your attending physician, to make health care decisions.

Health care is defined as any care, treatment, service or procedure required to maintain, diagnose or treat a physical or mental condition. Through your HC-POA, you may authorize someone else to consent, refuse or withdraw consent to health care on your behalf.

In Iowa, you may also include a Living Will to document whether or not you wish to receive "life-sustaining procedures" if you become permanently comatose or terminally ill. The living will may be combined into the same form as the HC-POA.

A Health Care Power of Attorney form is available to download from the Iowa State Bar Association at www.iowabar.org.

Q: ON A HEALTH CARE POWER OF ATTORNEY (HC-POA), WHO IS THE ATTORNEY-IN-FACT AND WHO IS THE PRINCIPAL?

A: The attorney-in-fact is the individual who has been authorized to make health care decisions on another person's behalf. The principal is the individual (18 years or older) who has put the HC-POA into place and has authorized the attorney-in-fact to act on his/her behalf at the point in time when he/she can no longer make health care decisions.

Q: WHAT ARE THE RESPONSIBILITIES OF THE ATTORNEY-IN-FACT?

A: The attorney-in-fact should empower the principal to participate in his/her health care decisions to the fullest extent possible and carry out the principal's wishes, even if the attorney-in-fact does not agree with those decisions.

Q: WHAT ARE THE TERMS OF AN HC-POA?

A: An HC-POA is not under court supervision, which means it can be enacted, modified or terminated at any time. Iowa law (Iowa Code Chapter 144B) permits a principal to revoke their HC-POA at any time and in any manner. The document also terminates upon the principal's death; however, individuals do have the option to sign a Final Disposition Declaration and designate someone to make final decisions concerning their remains and the ceremonies planned after their death. (This document must be either included within the HC-POA or in a document attached to the HC-POA.)

Q: WHEN DOES AN HC-POA GO INTO EFFECT?

A: The effective date of an HC-POA is included on the document (typically, an HC-POA goes into effect when the principal is unable, in the judgment of the attending physician, to make health care decisions).

Q: WHO DETERMINES WHEN THE PRINCIPAL IS NO LONGER ABLE TO MAKE HEALTH CARE DECISIONS?

A: An attorney-in-fact may make a health care decision for the principal only when the principal's attending physician determines he/she is unable to make the decision. However, the principal may object to a decision to withhold or withdraw a life-sustaining procedure, regardless of his/her mental or physical condition.

Q: HOW DO I REVOKE AN HC-POA?

A: To revoke an HC-POA, the principal or another to whom the principal has communicated revocation should notify the attorney-in-fact (verbally or in writing) and communicate the revocation to the attending physician and other health care providers.