

TEXAS
DURABLE POWER OF ATTORNEY FOR HEALTH CARE

DISCLOSURE STATEMENT CONCERNING THE DURABLE POWER OF ATTORNEY
FOR HEALTH CARE

A DURABLE POWER OF A TTORNEY FOR HEALTH CARE IS AN IMPORT ANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

Except to the extent you state otherwise, The *Durable Power of Attorney for Health Care* gives the person you name as your agent the authority to make any and all health care decisions for you in accordance with your wishes, including your religious and moral beliefs, when you are no longer capable of making them yourself. Because "health care" means any treatment, service, or procedure to maintain, diagnose, or treat your physical or mental condition, your agent has the power to make a broad range of health care decisions for you. Your agent may consent, refuse to consent, or withdraw a consent to medical treatment and may make decisions about withdrawing or withholding life-sustaining treatment. Your agent may not consent to voluntary inpatient mental health services, convulsive treatment, psychosurgery, abortion, or neglect of the principal through the omission of care primarily intended to provide comfort. A physician must comply with your agent's instructions or allow you to be transferred to another physician.

Your agent's authority begins when your doctor certifies that you lack the capacity to make health care decisions.

Your agent is obligated to follow your instructions when making decisions on your behalf. Unless you state otherwise, your agent has the same authority to make decisions about your health care as you would have had.

It is important that you discuss the *Durable Power of Attorney for Health Care* with your physician or other health care provider before you sign to make sure that you understand the nature and range of decisions that may be made on your behalf. If you do not have a physician, you should talk with someone else who is knowledgeable about these issues and can answer your questions. You do not need a lawyer's assistance to complete the *Durable Power of Attorney for Health Care*, but if there is anything in it that you do not understand, you should ask a lawyer to explain it to you.

The person you appoint as agent should be someone you know and trust. The person must be 18 years of age or older or a person under 18 years of age who has had the disabilities of minority removed. If you appoint your health or residential care provider (e.g., your physician or an employee of a home health agency, hospital, nursing home, or residential care home, other than a relative), that person has to choose between acting as your agent or as your health or residential care provider; the law does not permit a person to do both at the same time.

You should inform the person you appoint that you want the person to be your health care agent. You should discuss the *Durable Power of Attorney for Health Care* with your agent and your physician and give each a signed copy. You should indicate on the document itself the people and institutions who have signed copies. Your agent is not liable for health care decisions made in good faith on your behalf.

Even after you have signed the *Durable Power of Attorney for Health Care*, you have the right to make health care decisions for yourself as long as you are able to do so and treatment cannot be given to you or stopped over your objection. You have the right to revoke the authority granted to your agent by informing your agent or your health or residential care provider orally or in writing, or by your execution of a subsequent durable power of attorney for health care. Unless you state otherwise, your appointment of a spouse dissolves on divorce.

Once completed, the *Durable Power of Attorney for Health Care* may not be changed or modified. If you want to make changes in the document, you must make an entirely new one.

You may wish to designate an alternate agent in the event that your agent is unwilling, unable, or ineligible to act as your agent. Any alternate agent you designate has the same authority to make health care decisions for you.

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS SIGNED IN THE PRESENCE OF TWO OR MORE QUALIFIED WITNESSES. THE FOLLOWING PERSONS MAY NOT ACT AS WITNESSES:

- 1. THE PERSON YOU HAVE DESIGNATED AS YOUR AGENT;**
- 2. YOUR HEALTH OR RESIDENTIAL CARE PROVIDER OR AN EMPLOYEE OF YOUR HEALTH OR RESIDENTIAL CARE PROVIDER;**
- 3. YOUR SPOUSE;**
- 4. YOUR LAWFUL HEIRS OR BENEFICIARIES NAMED IN YOUR WILL OR A DEED;
OR**
- 5. CREDITORS OR PERSONS WHO HAVE A CLAIM AGAINST YOU.**

I have read and understand the contents of this disclosure statement.

Signature

Date

**DURABLE POWER OF ATTORNEY FOR HEALTH CARE DESIGNATION OF
HEALTH CARE AGENT**

I _____ (Insert your name) appoint:

Name: _____

Address: _____

Phone: _____

as my agent to make any and all health care decisions for me, except to the extent I state otherwise in this document. This durable power of attorney for health care takes effect if I become unable to make my own health care decisions and this fact is certified in writing by my physician.

**LIMITATIONS ON THE DECISION MAKING AUTHORITY OF MY AGENT ARE AS
FOLLOWS:** _____

DESIGNATION OF ALTERNATE AGENT:

You are not required to designate an alternate agent but you may do so. An alternate agent may make the same health care decisions as the designated agent, if the designated agent is unable or unwilling to act as your agent. If the agent designated is your spouse, the designation is automatically revoked by law if your marriage is dissolved.

If the person designated as my agent is unable or unwilling to make health care decisions for me, I designate the following persons to serve as my agent to make health care decisions for me as authorized by this document, who serve in the following order:

A. First Alternate Agent

Name: _____

Address: _____

Phone: _____

B. Second Alternate Agent

Name: _____

Address: _____

Phone: _____

The original of this document is kept at _____

The following individual or institution has a signed copy of this Directive:

Name: _____

Address: _____

DURATION:

I understand that this power of attorney exists indefinitely from the date I execute this document, unless I establish a shorter time or revoke the power of attorney. If I am unable to make health care decisions for myself when this power of attorney expires, the authority I have granted my agent continues to exist until the time I become able to make health care decisions for myself. This power of attorney ends on the following date: (if none, so state) _____ .

PRIOR DESIGNATIONS REVOKED:

I REVOKE ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

ACKNOWLEDGMENT OF DISCLOSURE STATEMENT:

I have been provided with a disclosure statement explaining the effect of this document. I have read and understand that information contained in the disclosure statement.

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this durable power of attorney for health care on ____ day of _____ , _____
at _____ .
(City and State)

Print Name

Signature

STATEMENT OF WITNESSES:

I declare under penalty of perjury that the principal has identified himself or herself to me, that the principal signed or acknowledged this durable power of attorney in my presence, that I believe the principal to be of sound mind, that the principal has affirmed that the principal is aware of the nature of the document and is signing it voluntarily and free from duress, that the principal requested that I serve as witness to the principal's execution of this document, that I am not the person appointed as agent by this document and that I am not a provider of health or residential care, or an employee of an operator of a health care facility.

I declare that I am not related to the principal by blood, marriage, or adoption and that to the best of my knowledge I am not entitled to any part of the estate of the principal on the death of the principal under a will or by operation of law.

Witness Signature: _____

Print Name: _____ Date: _____

Address: _____

Witness Signature: _____

Print Name: _____ Date: _____

Address: _____