



Health Care Power of Attorney FAQ's

You see these documents daily, but do you know what they mean? Who is the attorney-in-fact and what is their role? What's the procedure to revoke a healthcare power of attorney? How do you know if the document is effective? You will find answers to these questions and more through this FAQ.

Q. 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 an individual (18 years or older) who has put the health care power of attorney into place and has authorized the attorney-in-fact to act on his/her behalf at a 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 goal of the attorney-in-fact should be to empower the principal to the fullest extent possible and to carry out the wishes of the individual (principal), even if the attorney-in-fact does not agree with those decisions.

Q. What are the terms of a health care power of attorney?

A. There is no court supervision. The document can be modified or terminated. The document can be revoked at any time, and the principal is presumed to have capacity to revoke the document (per Iowa Code Chapter 144B). The document also terminates upon disability or incapacity, unless it is a durable power. The document terminates upon the principal's death.

Q. When is a health care power of attorney document in effect?

A. It will say in the document. A health care power of attorney usually takes effect when the principal is unable, in the judgment of the principal's attending physician, to make health care decisions.

Q. Who determines when the principal is no longer able to make their own health care decisions?

A. A physician. The attorney in fact has authority to make a particular health care decision only if the principal is unable, in the judgment of the attending physician, to make the health care decision. However, the principal may object to a decision to withhold or withdraw a life-sustaining procedure, without regard to mental or physical condition.

Q. How does the principal revoke a health care power of attorney document?

A. The document can be revoked at any time and in any manner by which the principal is able to communicate the intent to revoke, without regard to mental or physical condition. Revocation may be by notifying the attorney in fact orally or in writing. A revocation is only effective as to a health care provider upon its communication to the provider by the principal or by another to whom the principal has communicated revocation.

As a reference, we have included a few helpful websites. The Iowa State Bar Association's [ISBA website](http://www.iowabar.org/displaycommon.cfm?an=1&subarticlenbr=171) (<http://www.iowabar.org/displaycommon.cfm?an=1&subarticlenbr=171>) provides forms that can be utilized to create a durable power of attorney for health care and a living will.

It may be helpful to review the laws when you have questions pertaining to Durable Powers of Attorney for Health Care. The Iowa Code pertaining to Durable Powers of Attorney for Health Care can be found at the [Iowa Legislature website](https://www.legis.iowa.gov/DOCS/ACO/IC/LINC/2013.Chapter.144B.PDF). (<https://www.legis.iowa.gov/DOCS/ACO/IC/LINC/2013.Chapter.144B.PDF>)