

## **HOW DO I GET HELP WITH A POWER OF ATTORNEY FOR HEALTH CARE?**

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An attorney can assist you in preparing a power of attorney.

If you are age 60 or older, you may contact the Kansas Elder Law Hotline. The Hotline is a toll-free service for Kansas seniors providing free legal advice and referral. You may reach the Kansas Elder Law Hotline business days 8:30 a.m. to 4:30 p.m.

**KANSAS ELDER LAW HOTLINE**  
1-888-35ELDER or 1-888-353-5337  
In Wichita call 265-9681

If you are not 60 or older and think that you may meet income and asset limitations as a low-income person, you may call Kansas Legal Services' centralized intake number business days 8:30 a.m. to 4:30 p.m.

**KANSAS LEGAL SERVICES**  
**CENTRAL INTAKE**  
1-800-723-6953  
In Wichita call 265-9681

If you need referral to a private attorney, you may call the Kansas Bar Association's Lawyer Referral Service business days 8:30 a.m. to 4:30 p.m.

**KANSAS BAR ASSOCIATION**  
**LAWYER REFERRAL PROGRAM**  
1-800-928-3111  
In Wichita call 265-1247

## **WHO ARE WE?**

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Kansas Legal Services, Inc. is a private, non-profit Kansas corporation providing legal assistance to low income, disabled, and elderly persons. Legal Services are funded in part by the Legal Services Corporation, the Older Americans Act, the Kansas Department on Aging, and private contributions.

Kansas Legal Services through the Senior Citizen Law Projects provide legal advice and representation to persons age 60 or older. Clients are not charged for services provided. Contributions are accepted to help maintain legal assistance for older Kansans.

*Kansas Legal Services, Inc., does not discriminate on the basis of race, color, national origin, sex, religion, age, or handicap in employment or provision of services. If you feel you have been discriminated against, you may contact Kansas Legal Services at 1-785-233-2068.*

# **POWERS OF ATTORNEY FOR HEALTH CARE IN KANSAS**

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Kansas Legal Services  
Senior Citizen Law Project  
A project of Kansas Legal Services, Inc.  
Marilyn Harp, Executive Director

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*This pamphlet answers commonly asked questions about powers of attorney for health care. It was prepared by the staff of Kansas Legal Services, providing legal advice to Kansans age 60 or older. This pamphlet is not intended to substitute for a consultation with an attorney.*

## WHAT IS A POWER OF ATTORNEY FOR HEALTH CARE?

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Have you ever wondered who would speak for you about medical decisions if you become ill and medical decisions were needed? Who would you want to have information about your medical condition? Who would make decisions about who should provide medical care for you?

A power of attorney for health care is a written document in which you (the "principal") give another person (the "attorney-in-fact" or "agent") the legal authority to perform certain acts on your behalf. The authority you give can be very general or very specific and may be limited to one or several acts.

## WHAT IS A DURABLE POWER OF ATTORNEY FOR HEALTH CARE?

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A durable power of attorney gives your agent the authority to act even after you become incompetent.

## WHEN DOES A POWER OF ATTORNEY GO INTO EFFECT?

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You may make it effective immediately. You may also make it effective only if and when you become incapacitated.

The appropriate choice for you will depend on factors such as your current state of health, your needs, and your choice of agent.

## WHAT DOES A POWER OF ATTORNEY FOR HEALTH CARE AUTHORIZE?

Your agent has the authority to:

- Consent, refuse consent, or withdraw consent to any care, treatment service or procedure to maintain, diagnose or treat any physical or mental condition.
- Make decisions about organ donation, autopsy, and disposition of your body.
- Make necessary arrangements for you at hospitals, and hire and fire health care providers.
- Receive and review information about your personal affairs or physical or mental health and sign releases for that information.

## WHAT IS NOT AUTHORIZED?

- Your agent may not revoke or invalidate your living will.
- Your agent may not act inconsistent with your expressed desires.
- You may prohibit the agent from consenting to specific items.
- You may add additional limitations on their authority to act.
- Your health care provider or an employee of the provider may not act as your agent unless they are related to you.



## THINGS TO CONSIDER ABOUT POWERS OF ATTORNEY FOR HEALTH CARE

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- ❖ The principal must be mentally competent to consent to a power of attorney.
- ❖ The power of attorney must be a written document.
- ❖ Signing a power of attorney does not mean that you give up the authority to make your own decisions. You retain the ultimate authority to direct your agent.
- ❖ A power of attorney can be revoked or amended at any time if the principal is competent. The revocation may be either written or oral.
- ❖ You should discuss your health care wishes, values and fears with your agent.
- ❖ Your agent should be comfortable asking questions and getting information from medical providers.
- ❖ Your agent should be able to be a strong advocate for your wishes and able to handle possible conflicting opinions between family members, friends and medical personnel.
- ❖ Your agent will be able to act on your wishes and separate his or her feelings from yours.