

Powers of Attorney

A power of attorney (POA) is a written authorization to represent or act on another's behalf in private affairs, health, business, or some other legal matter.

The person authorizing the other to act (giving the 'power') is the **principal** or grantor, and the one authorized to act is the **agent** or attorney-in-fact.

A power of attorney may be special or limited to one specified act or type of act, or it may be general, and whatever it defines as its scope is what a court will enforce as being its scope. It may also be limited as to time, either when it starts or when it ends.

Powers of attorney are critical estate planning documents. An individual can be confident that their best interests are being looked after if a worst-case scenario occurs.

Still Have Questions?

Call the Attorneys at:

The Law Offices of Douglas E. Koenig, PLLC

You will find compassionate, caring attorneys and staff who will work for you and your family.

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(919) 883-2800

Andrew S. Bullard
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Note: This document is not legal advice, and contains only a summary of general legal principles. You are not a client of the Law Offices unless you have a written agreement.

— The Law Offices of —
DOUGLAS E. KOENIG
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Planning to get the help you need making decisions

Powers of Attorney

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Durable power of attorney

Under common law, a power of attorney became ineffective if its grantor died or became "incapacitated." Under a **durable** power of attorney, the authority of the attorney-in-fact to act and/or make decisions on behalf of the grantor continues until the grantor's death. This is usually used for financial transactions.

Health care power of attorney

A durable power of attorney can also be a "**health care power of attorney**," which empowers the attorney-in-fact to make health care decisions for the grantor, up to and including terminating care and ending life support. The agent works in tandem with the "*Advance Directive*."

Health care decisions may include the power to consent, refuse consent, or withdraw consent to any type of medical care, treatment, service or procedure. Some health care limitations are possible.

Advance health care directive

Related to the health care power of attorney is a separate document known as an **advance health care directive** or "**living will**". A living will is a written statement of a person's health care and medical wishes but **does not** appoint another person to make health care decisions.

Note: The advance directive may take precedence over decisions by your health care attorney-in-fact.

Revoking power of attorney

Generally, the grantor may revoke the power of attorney by telling the attorney-in-fact it is revoked. However, the principal must inform third parties or the principal may still be bound by the acts of the agent, though the agent may also be liable for such unauthorized acts.

Overview – Types of POA

- **Durable** business power of attorney (or, "Who is empowered and when can they make decisions about my *stuff* when I cannot.")

- **Health Care Power of Attorney** (or, "Who is my **advocate**, and when can they make decisions about my *health care* when I cannot.")
- **Living Wills** also known as Advance Directives (or, "How much **can be done** to save me and when to stop.")
- **Will to Live** Power of Attorney (or, "How much **must be done** to save me.")
- **HIPAA Authorizations** (or, "Who can see my medical information and tests.")
- **Do Not Resuscitate** Orders (DNR) (or, "What can and cannot be done to save me.") – These can only be issued by and with the primary care physician.

Whom can I call for help?

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