

Southern Illinois Regional EMS System

A-13 HEALTH CARE POWER OF ATTORNEY

Definition:

- Under the “Statement of Illinois Law on Advance Directives” By the Illinois Department of Public Health, a Power of Attorney is a document that permits a person, called the principle, to delegate to another person, called the agent, the power to make any health care decision the principle could make.

Scope of Power:

- The scope of power given to the agent may be as broad or as narrow as the principle wishes. The health care power of attorney document must describe the scope of authority given to the agent regarding specific health care decisions. The agent can be anyone other than the principle’s physician or health care provider and will have final decision-making authority, even more than a court-appointed guardian would have.

Modifications/Changes:

- An agency may be revoked by the principle at any time, orally or in writing. However, modifications may only be made in writing.

Patient Choice Issues:

- Other than advance directives (DNR), patient choices such as refusal of treatment or hospital preference can be verbally made on behalf of the patient by authorized persons.
 - Authorized Persons:
 - Legal guardian
 - Parent for a minor child
 - Health care power of attorney agent
- *A spouse or other relative on the scene has no independent legal authority to give or withhold consent on behalf of the patient.*

Conformation of Power of Attorney in the Prehospital Setting:

- EMS personnel will ask to see the power of attorney document regarding health care and ask the agent to point out the language which confirms that the Power is in effect in and that it covers the situation at hand.
- An EMT in an emergency situation cannot be expected to review the entire document. However, a person claiming to be an agent must be able to show a copy of the document, and at least confirms to the EMT that it gives the power he/she is trying to exercise.

Surrogate Decision Maker:

- In contrast, a surrogate decision maker is a person identifies by a patient’s physician and only makes decisions regarding the forgoing of life-sustaining treatments on behalf of a patient who lacks decisional capacity directly to the patient’s physician.
- The surrogate expresses decisions directly to the patient’s physician.
- THERE ARE NO SITUATIONS IN WHICH A SURROGATE CAN DIRECTLY GIVE INSTRUCTIONS TO AN EMT.
- The consent for a DNR order may be given by a surrogate BUT that will have to be provided to the physician when the order is written, NOT when the EMT is on the scene.

Southern Illinois Regional EMS System

A-13 HEALTH CARE POWER OF ATTORNEY (continued)

Consent/Withholding Treatment:

- Consent for or withholding treatment must be given by the patient whenever possible.
- Any person claiming to be surrogates, power of attorney agents, legal guardians or others trying to express patient choices MUST provide the EMT with written documentation.
- Contact Medical Control for direction.