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## *"Tip of the Month"*

### **The New Health Care Power of Attorney**

Many years ago, the Karen Quinlan case led to the Living Will. Karen was in a car crash, brain dead, kept alive artificially by medical personnel. Her family said she should be allowed to die with dignity. The U.S. Supreme Court said Karen would have to have directed such termination in advance for it to be allowed.

After that, the Living Will swept the nation, the first form for advance directive concerning termination of life. Since then came along the Durable Power of Attorney for Health Care. This more elaborate directive allows the signer to name someone as health care agent and to put in special instructions if desired.

The world of advance directives has continued to evolve. The miracle of modern medical technology can keep people alive a long time, expensively. Former doctor now prisoner Jack Kavorkian showed that some people do not want to stick around an unnecessarily long time. The recent Terri Schiavo case in Florida showed that these life termination decisions can be very controversial.

New Hampshire has just enacted a new law for advance directives. Effective January 1, 2007, a single statute and form will cover all advance directives. The new Durable Power of Attorney for Health Care will replace the old form and the living will by putting both into one form.

Starting in 1999, interested health care and community organizations started coming together under a three-year grant of \$450,000 from the Robert Wood Johnson Foundation to study and improve end-of-life health care. The resulting new statute authorizes medical providers to release medical records to health care agents. The new law also creates a statutory framework for Do Not Resuscitate orders and expands the authority of Advanced Registered Nurse Practitioners.

The new Durable Power of Attorney for Health Care form is intended to be a little easier to understand. Existing living wills and health care powers of attorney created before the new law will continue to be effective if they were properly prepared and signed.

If you need any help with advance directives or estate planning, please give us a call at 603-669-1971 or by email at [mailbox@biz-patlaw.com](mailto:mailbox@biz-patlaw.com).

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