

Instructions for Completing Your Nevada Durable Power of Attorney for Healthcare Decisions

Attorney-in-fact does not mean a lawyer but is the person you appoint to make decisions about your healthcare if you become unable to make those decisions yourself.

Whom should I appoint as my attorney-in-fact?

Your attorney-in-fact may be a family member or a close friend whom you trust to make serious decisions. The person you name as your attorney-in-fact should clearly understand your wishes and be willing to accept the responsibility of making healthcare decisions for you. (An attorney-in-fact may also be called an “agent” or “proxy.”) Unless he or she is your spouse, legal guardian or next of kin, the person you appoint as your attorney-in-fact **cannot** be:

- your healthcare provider,
- an employee of your healthcare provider,
- an operator of a healthcare facility, or
- an employee of a healthcare facility.

You can appoint a second person as your alternate attorney-in-fact. The alternate will step in if the first person you name as attorney-in-fact is unable, unwilling or unavailable to act for you.

How do I make my Nevada Durable Power of Attorney for Healthcare Decisions legal?

The law requires that you have your Durable Power of Attorney for Healthcare Decisions witnessed. You can do this in either of two ways:

1. Have your signature witnessed by a notary public, or
2. Sign your document in the presence of two witnesses, who must also sign the document to show that they personally know you and believe you to be of sound mind and under no duress, fraud, or undue influence, that you signed or acknowledged the Durable Power of Attorney in their presence, and that they do not fall into any of the categories of people who cannot be witnesses. These witnesses cannot be:

- the person you name as your attorney-in-fact,
- a healthcare provider,
- an employee of a healthcare provider,
- an operator of a community care facility, or
- an employee of an operator of a healthcare facility.

Note: At least one of your witnesses must be a person who is not related to you (by blood, marriage or adoption) and who will not inherit from you under any existing will or by operation of law.

Should I add personal instructions to my Nevada Durable Power of Attorney for Healthcare Decisions?

All decisions that your attorney-in-fact makes about withholding or withdrawing life sustaining treatment must reflect your known desires. The enclosed document lists statements on page 5 about withholding or withdrawing life-sustaining treatment. Read each statement carefully and initial only those statements that reflect your desires. Do not edit or cross out language that does not reflect your desires.

One of the strongest reasons for naming an attorney-in-fact is to have someone who can respond flexibly as your medical situation changes and deal with situations that you did not foresee. If you add further instructions, you might unintentionally restrict your attorney-in-fact's power to act in your best interest.

By Nevada law, your attorney-in-fact must make decisions concerning the use or nonuse of life-sustaining treatment which conform to your desires to the extent your desires are known by your attorney-in-fact. Talk with your attorney-in-fact about your future medical care and describe what you consider to be an acceptable "quality of life." If you want to record your wishes about specific treatments or conditions, you should use your Nevada Declaration (the living will).

What if I change my mind?

You may revoke your Durable Power of Attorney for Healthcare Decisions at any time and in any manner. Your Durable Power of Attorney is automatically revoked if:

- you execute a new Durable Power of Attorney, or
- you appoint your spouse as your attorney-in-fact and your marriage ends.

If you wish to set an expiration date for your Durable Power of Attorney, you may do so on page 4, section 5. If you do not set an expiration date, your Durable Power of Attorney remains valid indefinitely, unless you revoke it.

What other important facts should I know?

Due to restrictions in Nevada law, your attorney-in-fact does not have the power to authorize any of the following:

- Abortion
- Sterilization
- Commitment or placement in a facility for treatment of mental illness
- Convulsive treatment
- Psychosurgery
- Aversive intervention

PLEASE NOTE: IF YOU NEED TO SEE A SAMPLE OF HOW TO COMPLETE A DURABLE POWER OF ATTORNEY FOR HELTHCARE DECISIONS, PLEASE GO TO THE WEB SITE OF DEMPSEY, ROBERTS & SMITH, LTD., (www.drsltd.com) AND LOOK UNDER THE HEADING LEGALSHIELD/FORMS.