





# WHO DECIDES THAT I AM TERMINALLY ILL OR PERMANENTLY UNCONSCIOUS?

If you have indicated you do not want to prolong suffering in order to maintain life through artificial means (e.g., breathing tube, dialysis, IV nutrition, etc.) and would choose to allow a natural death, two doctors who have examined you must agree you have a terminal condition or illness. A terminal disease, injury or illness is an irreversible, incurable condition that will result in death regardless of treatment. "Permanently unconscious state" means you are permanently unaware of yourself and your surroundings.

## CONTACT US:

-  41 N. Perry Street, Room 104, Dayton, OH 45422
-  937-496-7623
-  Clerkhelpcenter@mcoho.org
-  Monday-Friday 8:30AM to 4:30PM

To view our outreach schedule or find out more information, please visit our website at [WWW.COURTHOUSETOYOU.COM](http://WWW.COURTHOUSETOYOU.COM).



## LIVING WILLS & HEALTH CARE POWER OF ATTORNEY

**MIKE FOLEY**

MONTGOMERY COUNTY  
CLERK OF COURTS

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CLERK OF COURTS MIKE FOLEY

**BRIDGING THE JUSTICE GAP ONE  
CONSTITUENT  
AT A TIME.**





## WHAT IS A HEALTH CARE POWER OF ATTORNEY?

A health care power of attorney (or durable power of attorney for health care, sometimes known as a DPOA or health care proxy) is a legal document that authorizes another person (your agent) to obtain your health information and to make healthcare decisions for you. You can allow your agent to get your health information and communicate with your health care provider at any time, but health care decisions can be made for you only if and when you cannot make healthcare decisions for yourself.

## IF I WANT TO DESIGNATE SOMEONE TO MAKE HEALTH CARE DECISIONS FOR ME, MUST IT BE A MEMBER OF MY FAMILY?

No. You may appoint any adult you wish as long as it is not your doctor or the administrator of a health care facility in which you are being treated, or any person employed by either your doctor or a health facility in which you are being treated.

## WHAT IS A MENTAL HEALTH DECLARATION?

Ohio law also allows for the creation of a “declaration of mental health treatment,” a document specifically designed to address mental health care concerns. The standard health care power of attorney addresses both physical and mental health issues, but it may be advisable to also have a “declaration of mental health treatment” to indicate strong preferences about certain treatments, medications or doctors. For more information about the declaration of mental health treatment, visit the Disability Rights Ohio website: [www.disabilityrightsohio.org/](http://www.disabilityrightsohio.org/) and type “declaration of mental health treatment” in the search box.

## IF I HAVE A LIVING WILL, SHOULD I HAVE A HEALTH CARE POWER OF ATTORNEY, TOO?

Yes. Many people will want to have both documents, because a living will only applies in limited end-of-life circumstances, whereas a health care power of attorney covers all other situations concerning your medical care whenever you cannot make health care decisions for yourself. If, however, you choose to have only a health care power of attorney, you can give your agent the authority to make end-of-life decisions.

