

## Health Care Documents

	<b>POST</b> Michigan Physician Orders for Scope of Treatment	<b>Care Directive</b>	<b>HCPOA</b> Health Care Power of Attorney	<b>HIPAA</b> Health Insurance Portability and Accountability Act	<b>Guardianship</b>
<b>TYPE OF DOCUMENT</b>	Medical order	Written document—but not legally binding like Health Care Power of Attorney documents.	Legal document	Legal document	Legal document—requires probate court order. Not needed if a valid, properly drafted HCPOA is in place.
<b>WHO COMPLETES IT?</b>	Health care professional along with the patient or patient advocate if the patient is not competent, or guardian.	Individual—with assistance of experienced Estate Planning Attorney	Individual—with assistance of experienced Estate Planning Attorney	Individual—with assistance of experienced Estate Planning Attorney	Appointed by probate court
<b>WHO NEEDS ONE?</b>	For adults with an advanced illness and death is foreseeable within one year of signing the document.	All competent adults.	All competent adults.	All competent adults.	Adult who is incapacitated/ incompetent and either does not have a patient advocate appointed in an HCPOA, or has insufficient powers listed in their HCPOA.
<b>IS COMPLETION VOLUNTARY?</b>	Yes	Yes	Yes	Yes	No—probate court decides if it is needed
<b>APPOINTS AN AGENT?</b>	No	No	Yes	Yes	Yes—probate court appoints a guardian
<b>WHEN IS THE DOCUMENT EFFECTIVE?</b>	Effective when signed	Effective when signed	Effective when declared incompetent	Effective when signed	Effective upon court order, when declared incompetent
<b>WHAT IS COMMUNICATED?</b>	The form covers a limited number of key medical decisions. It requires a health care professional to explain the form to the patient and is generally more detailed than an HCPOA.	Individual, with assistance of experienced Estate Planning Attorney	Individual, with assistance of experienced Estate Planning Attorney	Individual, with assistance of experienced Estate Planning Attorney	Appointed by probate court



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<b>CAN EMERGENCY PERSONNEL FOLLOW?</b>	Yes	No	No. It authorizes a patient advocate to make health care decisions when the patient is not competent.	No. It allows the personal representative named in the HIPAA form to access medical records and protected information.	No. However, hospitals may petition the courts to appoint a guardian on behalf of the patient to get approval for medical treatment and other health decisions.
<b>EASE IN LOCATING</b>	Easy to locate. The form must be placed in the patient's chart and in a "prominent" part of the patient's medical records. If the patient is transported to another residential setting, the POST goes with the patient to the new setting.	It requires the patient to keep the document in a location where those that carry out the instructions can find the document. This document is also kept by Carrier Law.	It should be easy to locate, but it depends on the patient and where it is kept. Many doctors want a copy as part of their record. Hospitals often ask for a copy prior to being admitted. Patients can give a copy to their patient advocate. Carrier Law keeps a copy on file and can fax to a doctor's office or hospital at the direction of the patient or patient advocate.	It can be easily located if the patient provides copies to doctors in advance of the need to use a HIPAA form. The patient should let the personal representative know where to find the document. Carrier Law keeps a copy on file and can fax to a doctor's office or hospital at the direction of the patient or patient advocate.	The court order will be provided to all interested parties.
<b>PRIMARY PURPOSE OF THE DOCUMENT</b>	Only officially recognized for out-of-hospital settings, such as one's home, assisted living, Med stations, skilled nursing homes and adult foster care facilities. Hospitals have their own NON-Statutory POST type medical orders.	The document outlines the patient's wishes. Not a legally binding contract, but provides details and guidance for the person in charge of the patient.	The document names a patient advocate(s) to carry out the patient's wishes for medical treatment, including signing a DNR or POST if specifically authorized for this purpose. <i>Only effective upon a patient's incapacity.</i>	Can be drafted to allow the personal representative to obtain patient health information, including medical records, and billing information.	To provide a vulnerable adult with the protection of the state. It provides a court-appointed guardian to make medical decisions. <i>Effective upon court order, due to patient's incapacity.</i>
<b>WHEN DOES THE DOCUMENT EXPIRE?</b>	When your condition changes	If replaced, revoked, or upon death	If replaced, revoked, or upon death. <i>Caution: signing a new HCPOA may revoke your Carrier Law HCPOA.</i>	If replaced, revoked, or upon death	Upon court order, death, or if the person regains competency.
<b>WHO SHOULD HAVE A COPY OF THIS DOCUMENT?</b>	Physician/Medical Facility, Patient Advocate	Physician/Medical Facility, Patient Advocate, Attorney Office	Physician/Medical Facility, Patient Advocate, Attorney Office	Physician/Medical Facility, Patient Advocate, Attorney Office	Physician/Medical Facility, Guardian