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| **STATE OF NORTH CAROLINA** |  |
|  | **HEALTH CARE POWER OF ATTORNEY**  **(N.C.G.S. § 32A-25.1)** |
| **COUNTY OF {{ county }}** |  |

**1. Designation of Health Care Agent.**

I, {{ spouse.name }}, being of sound mind, hereby appoint the following persons to serve as my health care agents to act for me and in my name (in any way I could act in person) to make health care decisions for me as authorized in this document. My designated health care agents shall serve alone, in the order named.

A. Name: {{ hcpoagentsspouse[0].name }} Home Telephone:

Home Address: {{ address.address }}, {{ address.city }}, {{ address.state }} {{address.zip }}

Work Telephone: Cellular Telephone:

{%p macro information(agent) %}

A. Name: {{ agent }} Home Telephone:

Home Address:

Work Telephone: Cellular Telephone:

{%p endmacro %}

{%p for agent in hcpoagentsspouse[1:] %}

{{p information(agent) }}

{%p endfor %}

Any successor health care agent designated shall be vested with the same power and duties as if originally named as my health care agent, and shall serve any time his or her predecessor is not reasonably available or is unwilling or unable to serve in that capacity.

**2. Effectiveness of Appointment.**

My designation of a health care agent expires only when I revoke it. Absent revocation, the authority granted in this document shall become effective when and if one of the physician(s) listed below determines that I lack capacity to make or communicate decisions relating to my health care, and will continue in effect during that incapacity, or until my death, except if I authorize my health care agent to exercise my rights with respect to anatomical gifts, autopsy, or disposition of my remains, this authority will continue after my death to the extent necessary to exercise that authority.

1. *(Physician)*

2. *(Physician)*

If I have not designated a physician, or no physician(s) named above is reasonably available, the determination that I lack capacity to make or communicate decisions relating to my health care shall be made by my attending physician.

**3. Revocation.**

Any time while I am competent, I may revoke this power of attorney in a writing I sign or by communicating my intent to revoke, in any clear and consistent manner, to my health care agent or my health care provider.

**4. General Statement of Authority Granted.**

Subject to any restrictions set forth in Section 5 below, I grant to my health care agent full power and authority to make and carry out all health care decisions for me. These decisions include, but are not limited to:

A. Requesting, reviewing, and receiving any information, verbal or written, regarding my physical or mental health, including, but not limited to, medical and hospital records, and to consent to the disclosure of this information.

B. Employing or discharging my health care providers.

C. Consenting to and authorizing my admission to and discharge from a hospital, nursing or convalescent home, hospice, long-term care facility, or other health care facility.

D. Consenting to and authorizing my admission to and retention in a facility for the care or treatment of mental illness.

E. Consenting to and authorizing the administration of medications for mental health treatment and electroconvulsive treatment (ECT) commonly referred to as “shock treatment.”

F. Giving consent for, withdrawing consent for, or withholding consent for, X‑ray, anesthesia, medication, surgery, and all other diagnostic and treatment procedures ordered by or under the authorization of a licensed physician, dentist, podiatrist, or other health care provider. This authorization specifically includes the power to consent to measures for relief of pain.

G. Authorizing the withholding or withdrawal of life prolonging measures.

H. Providing my medical information at the request of any individual acting as my attorney‑in‑fact under a durable power of attorney or as a Trustee or successor Trustee under any Trust Agreement of which I am a Grantor or Trustee, or at the request of any other individual whom my health care agent believes should have such information. I desire that such information be provided whenever it would expedite the prompt and proper handling of my affairs or the affairs of any person or entity for which I have some responsibility. In addition, I authorize my health care agent to take any and all legal steps necessary to ensure compliance with my instructions providing access to my protected health information. Such steps shall include resorting to any and all legal procedures in and out of courts as may be necessary to enforce my rights under the law and shall include attempting to recover attorneys’ fees against anyone who does not comply with this health care power of attorney.

I. To the extent I have not already made valid and enforceable arrangements during my lifetime that have not been revoked, exercising any right I may have to authorize an autopsy or direct the disposition of my remains.

J. Taking any lawful actions that may be necessary to carry out these decisions, including, but not limited to: (i) signing, executing, delivering, and acknowledging any agreement, release, authorization, or other document that may be necessary, desirable, convenient, or proper in order to exercise and carry out any of these powers; (ii) granting releases of liability to medical providers or others; and (iii) incurring reasonable costs on my behalf related to exercising these powers, provided that this health care power of attorney shall not give my health care agent general authority over my property or financial affairs.

**5. Special Provisions and Limitations.**

(Notice:  The authority granted in this document is intended to be as broad as possible so that your health care agent will have authority to make any decisions you could make to obtain or terminate any type of health care treatment or service. If you wish to limit the scope of your health care agent’s powers, you may do so in this section. If none of the following are initialed, there will be no special limitations on your agent’s authority.)

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|  | 1. Limitations about Artificial Nutrition or Hydration: In exercising the authority to make health care decisions on my behalf, my health care agent: |
| \_\_\_\_\_\_  (Initial) | Shall NOT have the authority to withhold artificial nutrition (such as through tubes) OR may exercise that authority only in accordance with the following special provisions: |
| \_\_\_\_\_\_  (Initial) | Shall NOT have the authority to withhold artificial hydration (such as through tubes) OR may exercise that authority only in accordance with the following special provisions: |
|  | **NOTE: If you initial either block but do not insert any special provisions, your health care agent shall have NO AUTHORITY to withhold artificial nutrition or hydration.** |
| \_\_\_\_\_\_  (Initial) | B.     Limitations Concerning Health Care Decisions. In exercising the authority to make health care decisions on my behalf, the authority of my health care agent is subject to the following provisions: (Here you may include any specific provisions you deem appropriate such as:  your own definition of when life prolonging measures should be withheld or discontinued, or instructions to refuse any specific types of that are inconsistent with your religious beliefs, or are unacceptable to you for any other reason.)      **NOTE:  DO NOT initial unless you insert a limitation.** |
| \_\_\_\_\_\_  (Initial) | C.     Limitations Concerning Mental Health Decisions. In exercising the authority to make mental health decisions on my behalf, the authority of my health care agent is subject to following special provisions: (Here you may include any provisions you deem appropriate such as:  limiting the grant of authority to make only mental health treatment, your own instructions regarding the administration or withholding of psychotropic medications and electroconvulsive treatment (ECT), instructions regarding your admission to and retention in a health care facility for mental health treatment, or instructions to refuse any specific types of treatment that are unacceptable to you.)      **NOTE:  DO NOT initial unless you insert a limitation.** |
| \_\_\_\_\_\_  (Initial) | D.     Advance Instruction for Mental Health Treatment. (Notice: This health care power of attorney may incorporate or be combined with an advance instruction for mental health treatment, executed in accordance with Part 2 of Article 3 of 122C of the General Statutes, which you may use to state your instructions regarding mental health treatment in the event you lack capacity to make or communicate mental treatment decisions. Because your health care agent’s decisions must be consistent with any statements you have expressed in an advance instruction, you should indicate here whether you have executed an advance instruction for mental treatment):      **NOTE:  DO NOT initial unless you insert a limitation.** |
| \_\_\_\_\_\_  (Initial) | E.     Autopsy and Disposition of Remains. In exercising the authority to make decisions regarding autopsy and disposition of remains on my behalf, the authority of my health care agent is subject to the following special provisions and limitations. (Here you may include any specific limitations you deem appropriate such as: limiting the grant of authority and the scope of authority, or instructions regarding burial or cremation):      **NOTE:  DO NOT initial unless you insert a limitation.** |

**6. Organ Donation.**

To the extent I have not already made valid and enforceable arrangements during my lifetime that have not been revoked, my health care agent may exercise any right I may have to:

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| \_\_\_\_\_\_  (Initial) | donate any needed organs or parts; or |
| \_\_\_\_\_\_  (Initial) | donate only the following organs or parts: |
|  | **NOTE:  DO NOT INITIAL BOTH BLOCKS ABOVE.** |
| \_\_\_\_\_\_  (Initial) | donate my body for anatomical study if needed. |
| \_\_\_\_\_\_  (Initial) | In exercising the authority to make donations, my health care agent is subject to the following special provisions and limitations: (Here you may include any specific limitations you deem appropriate such as: limiting the grant of authority and the scope of authority, or instructions regarding gifts of the body or body parts.)      **NOTE:  DO NOT initial unless you insert a limitation.** |

**NOTE:  NO AUTHORITY FOR ORGAN DONATION IS GRANTED IN THIS INSTRUMENT WITHOUT YOUR INITIALS.**

**7. Guardianship Provision.**

If it becomes necessary for a court to appoint a guardian of my person, I nominate the persons designated in Section 1, in the order named, to be the guardian of my person, to serve without bond or security. The guardian shall act consistently with G.S. 35A‑1201(a)(5).

**8. Reliance of Third Parties on Health Care Agent.**

A. No person who relies in good faith upon the authority of or any representations by my health care agent shall be liable to me, my estate, my heirs, successors, assigns, or personal representatives, for actions or omissions in reliance on that authority or those representations.

B. The powers conferred on my health care agent by this document may be exercised by my health care agent alone, and my health care agent’s signature or action taken under the authority granted in this document may be accepted by persons as fully authorized by me and with the same force and effect as if I were personally present, competent, and acting on my own behalf. All acts performed in good faith by my health care agent pursuant to this power of attorney are done with my consent and shall have the same validity and effect as if I were present and exercised the powers myself, and shall inure to the benefit of and bind me, my estate, my heirs, successors, assigns, and personal representatives. The authority of my health care agent pursuant to this power of attorney shall be superior to and binding upon my family, relatives, friends, and others.

**9. Miscellaneous Provisions.**

A. Revocation of Prior Powers of Attorney. I revoke any prior health care power of attorney. The preceding sentence is not intended to revoke any general powers of attorney, some of the provisions of which may relate to health care; however, this power of attorney shall take precedence over any health care provisions in any valid general power of attorney I have not revoked.

B. Jurisdiction, Severability, and Durability. This Health Care Power of Attorney is intended to be valid in any jurisdiction in which it is presented. The powers delegated under this power of attorney are severable, so that the invalidity of one or more powers shall not affect any others. This power of attorney shall not be affected or revoked by my incapacity or mental incompetence.

C. Health Care Agent Not Liable. My health care agent and my health care agent’s estate, heirs, successors, and assigns are hereby released and forever discharged by me, my estate, my heirs, successors, assigns, and personal representatives from all liability and from all claims or demands of all kinds arising out of my health care agent’s acts or omissions, except for my health care agent’s willful misconduct or gross negligence.

D. No Civil or Criminal Liability. No act or omission of my health care agent, or of any other person, entity, institution, or facility acting in good faith in reliance on the authority of my health care agent pursuant to this Health Care Power of Attorney shall be considered suicide, nor the cause of my death for any civil or criminal purposes, nor shall it be considered unprofessional conduct or as lack of professional competence. Any person, entity, institution, or facility against whom criminal or civil liability is asserted because of conduct authorized by this Health Care Power of Attorney may interpose this document as a defense.

E. Reimbursement. My health care agent shall be entitled to reimbursement for all reasonable expenses incurred as a result of carrying out any provision of this directive.

By signing here, I indicate that I am mentally alert and competent, fully informed as to the contents of this document, and understand the full import of this grant of powers to my health care agent.

This the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

{{ spouse.name }}

I hereby state that the declarant, {{ spouse.name }}, being of sound mind, signed (or directed another to sign on declarant’s behalf) the foregoing Health Care Power of Attorney in my presence, and that I am not related to the declarant by blood or marriage, and I would not be entitled to any portion of the estate of the declarant under any existing will or codicil of the declarant or as an heir under the Intestate Succession Act, if the declarant died on this date without a will. I also state that I am not the declarant’s attending physician, nor a licensed health care provider who is (1) an employee of the declarant’s attending physician, (2) nor an employee of the health facility in which the declarant is a patient, or (3) an employee of a nursing home or any adult care home where the declarant resides. I further state that I do not have any claim against the declarant or the estate of the declarant.

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| Date: | | | \_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_\_ | | |  | | | Witness: | | |  | | | |
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| Date: | | \_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_\_ | | | |  | | | Witness: | | |  | | | |
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| {{ address.county }}, NORTH CAROLINA | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | |
| Sworn to (or affirmed) and subscribed before me this day by | | | | | | | | | | | | {{ spouse.name }} | | |
|  | | | | | | |  |  | | | | *(type/print name of declarant)* | | |
|  | | | | | | |  |  | | | |  | | |
| Sworn to (or affirmed) and subscribed before me this day by | | | | | | | | | | | |  | | |
|  | | | | | | |  |  | | | | *(type/print name of witness)* | | |
|  | | | | | | |  |  | | | |  | | |
| Sworn to (or affirmed) and subscribed before me this day by | | | | | | | | | | | |  | | |
|  | | | | | | |  |  | | | | *(type/print name of witness)* | | |
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|  |  | | | | | | | | |  | *Signature of Notary Public* | | | |
|  |  | | | | | | | | |  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Notary Public | | | |
|  | | | | *(Official Seal)* |  | | | | | | My commission expires: \_\_\_/\_\_\_/20\_\_\_ | | | |