



## What I Need to Know

### **Financial Power of Attorney or Healthcare Power of Attorney?**

- **Financial Power of Attorney**

Sometimes referred to as a durable power of attorney, this gives the attorney-in-fact the authority to manage an individual's financial affairs should they become incapacitated. **POA expires upon the death of the individual.**

**Common authorities granted by a power of attorney include:** Paying bills, including signing checks, buying, selling, and managing real estate, handling legal matters, filing tax returns, conducting business transactions and making medical decisions, dependent on authorities specified.

There may be additional duties allowed by the POA, depending on whether the authority granted is general or limited, and such limitations are usually outlined in the legal language of the POA document. This authority may or may not include healthcare decisions. A financial power of attorney has a duty to work with the healthcare power of attorney in assisting the individual.

- **Healthcare Power of Attorney**

A healthcare POA allows the appointee to make medical decisions on the individual's behalf, ensuring the beneficiary's medical decisions are respected even when they cannot communicate them. There may be additional duties allowed by the POA, depending on whether the authority granted is general or limited, and such limitations are usually outlined in the legal language of the POA document. **POA expires upon the death of the individual.**

**Both of these are considered valid and can be accepted for Medicaid applications.**

**Because the authority to make financial decisions is not generally included in the language of the healthcare POA paperwork, a healthcare POA is not valid for AVS consent.**