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What is the difference between a Living Will and a Power of Attorney for Health Care?



An Illinois Living Will is a written declaration that instructs your physician to withhold or withdraw death delaying procedures in the event that you have or develop a terminal condition. A Power of Attorney for Health Care is a written agreement where a person (the “principal”) grants powers to another person or entity (the “agent”) to make specified personal and health care decisions for the principal. A Power of Attorney for Health Care can grant to the agent the authority to make any and all decisions concerning the principal’s personal care, medical treatment, hospitalization, and health care, and regarding the providing, withholding or withdrawing of any type of medical treatment or procedure. Alternatively, the Power of Attorney for Health Care can grant the agent more limited authority. A Power of Attorney for Health Care may also grant the agent post-death authority in regard to making anatomical gifts, authorizing an autopsy, or directing the disposition of the principal’s remains. In summary, a Living Will gives an individual’s directions to his or her family and physician regarding death delaying procedures if the individual has a terminal condition; it does not give directions for any other circumstance. A Power of Attorney for Health Care allows an individual to designate an agent who can make some or all health care decisions for that individual, including decisions related to death delaying procedures in the event of a terminal condition.

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