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ATTORNEYS AT LAW

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To Our Valued Clients:

RE: Durable Power of Attorney for Health Care

I am enclosing, for your review, a Durable Power of Attorney for Health Care. This document normally accompanies a Declaration as to Medical or Surgical Treatment ("Living Will"), which is a statutory Colorado document. Experience has shown us that living wills are not always sufficient in and of themselves, to meet our medical needs when we do not have the ability to make our own decisions.

Living wills are primarily concerned with "life-sustaining procedures" and "artificial nourishment" under circumstances in which we are fearful that we will be kept alive when there is no hope of recovery. We have all heard horror stories in which people are kept alive by means of a feeding tube and other "extraordinary means".

The Durable Power of Attorney for Health Care, on the other hand, provides for health care in a situation where your life is not in immediate jeopardy, but in which you are unable, for one reason or another, to make competent decisions regarding your own welfare. One example would be if you were incapacitated and incapable of making health care decisions. Under these conditions, you need someone you trust, and who has your own best interests at heart, to make these decisions for you. As you can see from perusing the enclosed document, the Durable Power of Attorney for Health Care gives your designated attorney-in-fact a broad range of powers; but only under certain circumstances. The power of attorney states that the attorney-in-fact "should first try to discuss with you the specifics of any proposed decision regarding your medical care and treatment". If, however, you are unable to give an "informed consent", your attorney-in-fact will make the appropriate decisions based on "treatment choices you have expressed while competent". In other words, you are giving this trust to someone who knows your intentions well enough to make decisions he feels you would make, were you able to do so, rather than leaving these personal decisions in the hands of a doctor or medical staff of the facility in which you are residing.

In this scenario, your attorney-in-fact would have access to your medical records, and have the ability to make decisions regarding the following:

1. Employment or discharge of any health care providers;
2. Consent to or withhold medical treatment;
3. Protect your right to make decisions, regardless of whether you wish to prolong your life or not;
4. Make arrangements for drugs or pain relievers;
5. Provide for your residence and companionship; and
6. Make funeral arrangements and sign necessary papers in this regard.

The document also releases your attorney-in-fact from liability in connection with these decisions, and enables you to name a successor attorney-in-fact in the event your initial choice of representative should be unable to act in your regard.

Obviously, it is best to discuss this power of attorney with the person you are naming as your attorney-in-fact, so you both know where you stand, and so that you have the opportunity to discuss your wishes regarding your health care under the circumstances discussed above.

I hope this gives you an understanding of the purpose and intent of the Durable Power of Attorney for Health Care. If you have any questions after you have read the document, let me know.

Very truly yours,

**LAW OFFICES OF SAMUEL J. OWEN, P. C.**

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