

Appendix 1: Advance Care Plans, Advance Directives & Enduring Power of Attorney

	Advance Care Plan	Advance Directive	Enduring Power of Attorney (EPOA) in relation to Personal Care and Welfare ¹
Purpose	Articulation of wishes, preferences, values and goals relevant to all current and future care. Can direct future treatments and procedures when a person loses the capacity to make or communicate their own decisions, as well as providing guidance for decisions and discussions with an EPOA and/or family/whānau.	Statements about a person's medical care in the future if they cease to be competent to make decisions. Sometimes these are called a "living will". Usually set out the circumstances where a person would wish certain care to be withheld and may be legally binding on medical practitioners if those circumstances arise.	Appointment by the person while competent of a person to make decisions about their care and welfare that they become mentally incapable of making at some point in the future. If any health care decision is a significant one then a doctor must first certify in each case that a person is not mentally capable of making that decision before the attorney can decide. There are some decisions that the law states a person with EPOA cannot make, including refusing consent to standard medical treatment intended to save that person's life or to prevent serious damage to their health.
Linkages between Advance Care Plans, Advance Directives and EPOAs	May include Advance Directives and/or reference to an EPOA.	May be included in an Advance Care Plan.	An EPOA can not make an Advance Care Plan or Advance Directive for the person who has appointed them.
Who can create	Individual can create on own or during a discussion with their medical practitioner and/or family/whānau.	Does not have to be prepared by a lawyer or be in a particular form however to legally bind your health care providers to withhold	Is a formal document which is prepared by and signed in the presence of a lawyer or an authorized officer of the Public Trust. Must have

¹ Note: EPOA in relation to Personal Care and Welfare is different to an Enduring Power of Attorney in relation to Property that may take effect either immediately or only when the person becomes incompetent - depending upon the person's direction on when the powers are to have effect. An EPOA in relation to Property is also different to a Power of Attorney (POA) for dealing with property that automatically ends if and when the person becomes incompetent.

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		necessary medical care an advance directive must meet certain criteria – see www.nzma.org.nz .	attached a formal certificate signed by the lawyer or the authorised officer of the Public Trust that witnessed the signature of the person giving the EPOA.
Documentation	Preferably documented on a template advance care plan, but not required. Can be a verbal discussion.	May be a stand-alone document or part of a more comprehensive Advanced Care Plan. Can be a verbal directive.	EPOA formal document (Protection of Personal and Property Rights Enduring Powers of Attorney Forms) Regulations 2008.
Points of reference and further information	For information about an Advance Care Plan go to www.advancecareplanning.org.nz	For more detailed information go to www.nzma.org.nz	Search for “Enduring Power of Attorney” at www.ageconcern.org.nz . and/or search on CapDocs for “Procedures for Enduring Powers of Attorney”.