

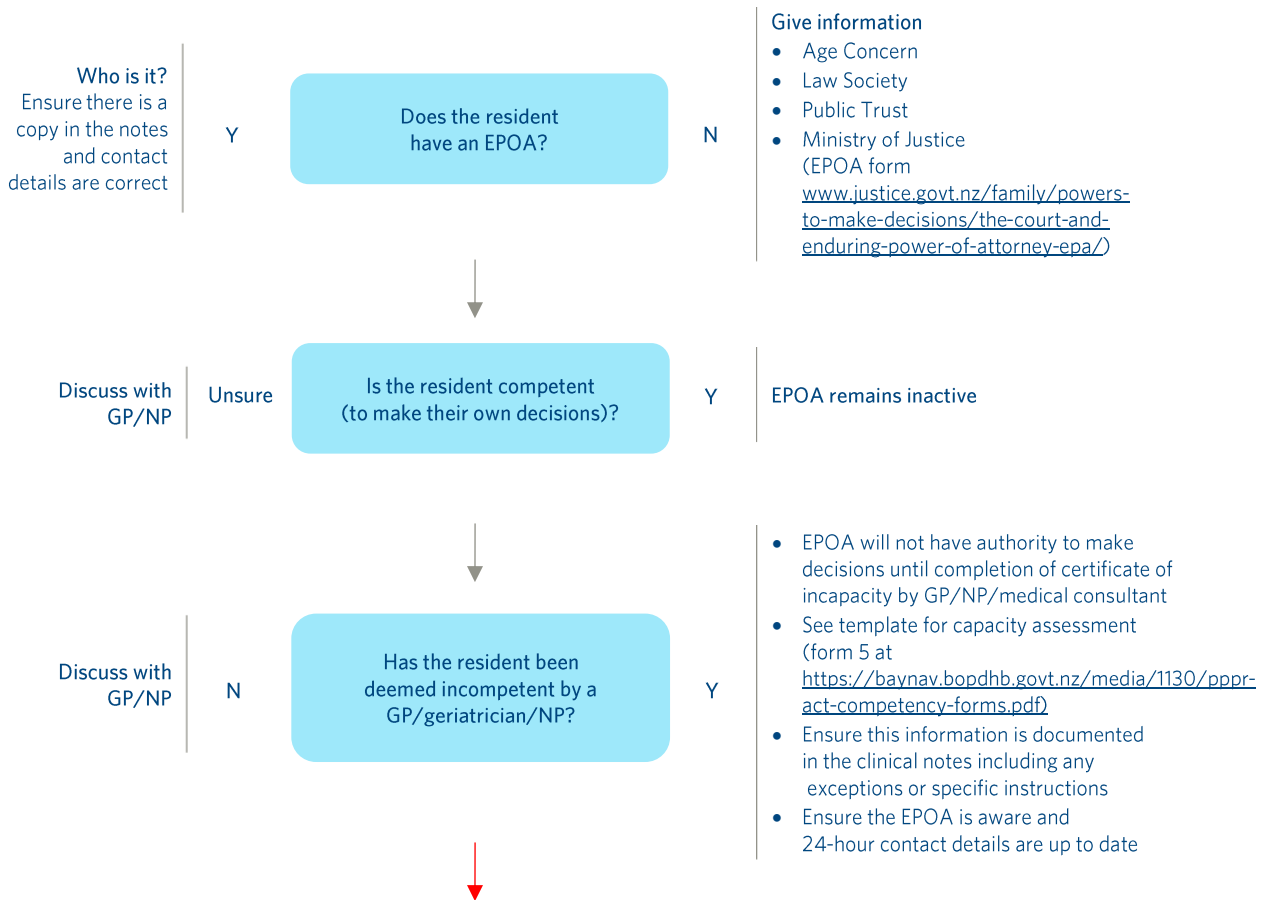
Enduring power of attorney (EPOA) | Whai Whakamana ā-Ture Mauroa (EPOA)

EPOA personal care and welfare (2019)

Enables the designated person to provide supported decision-making that is in the best interests of the resident about personal care in the event of mental incapacity, eg, the sort of medical treatment the resident would have agreed to if they had the capacity to do so. This may be general or in relation to specific matters.

An EPOA for personal care and welfare has no legal authority unless a *certificate of incapacity* has been completed by GP/NP or medical consultant.

EPOA assessment/determination



The resident can vary or revoke the EPOA at any time while they are still mentally capable. Appointed EPOA can be challenged if assessed as not acting in the best interests of the patient/resident

EPOA property

- The designated person can act on the resident's behalf with respect to property, which includes land, houses, businesses, bank accounts and other possessions.
- Can be general or limited to specific property.
- Can take immediate effect (while still mentally capable) or only in the event of mental incapacity.

'Mentally incapable' means

- In relation to personal care and welfare, being wholly or partly unable to understand the nature and foresee the consequences of decisions, or wholly lacking the ability to communicate decisions
- Determination of who can assess for incapacity – a medical or nurse practitioner or medical consultant can do this
- For those without an EPOA and who are mentally incapable, a PPPR may be necessary. The PPPR Act enables a competent adult to appoint another person to make decisions about their personal care and welfare and/or property in the event that they become mentally incapable, see www.justice.govt.nz/family/powers-to-make-decisions/welfare-guardians/apply-for-a-welfare-guardian/ for more information.

Recommend a photocopy of EPOA documents and activation letters is kept in patient file.



For help: refer to DHB community/inpatients social worker.

Bibliography | Te rārangi pukapuka

Enduring power of attorney (EPOA)

Bay of Plenty District Health Board. 2015. *Form 4 – Health practitioner’s certificate of mental incapacity for enduring power of attorney in relation to property*. URL: <https://baynav.bopdhb.govt.nz/media/1130/pppr-act-competency-forms.pdf> (accessed 30 April 2019).

Ministry of Justice. 2018. Apply for a welfare guardian. URL: <https://www.justice.govt.nz/family/powers-to-make-decisions/welfare-guardians/apply-for-a-welfare-guardian/> (accessed 30 May 2019).

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[See the full range of frailty care guides here.](#)