

**IC 30-5-5-16 - dated 11-16-23**

**IC 30-5-5-16 Health care powers; religious tenets; funeral planning declaration; application for public benefits**

Sec. 16. (a) This section does not prohibit an individual capable of consenting to the individual's own health care or to the health care of another from consenting to health care administered in good faith under the religious tenets and practices of the individual requiring health care.

(b) Language conferring general authority with respect to health care powers means the principal authorizes the attorney in fact to do the following:

- (1) Employ or contract with servants, companions, or health care providers to care for the principal.
- (2) Consent to or refuse health care for the principal who is an individual in accordance with [IC 16-36-4](#) and [IC 16-36-1](#) by properly executing and attaching to the power of attorney a declaration or appointment, or both.
- (3) Admit or release the principal from a hospital or health care facility.
- (4) Have access to records, including medical records, concerning the principal's condition.
- (5) Make anatomical gifts on the principal's behalf.
- (6) Request an autopsy.
- (7) Make plans for the disposition of the principal's body, including executing a funeral planning declaration on behalf of the principal in accordance with [IC 29-2-19](#).

(c) Except as provided in subsection (d), if an individual has executed both:

- (1) a power of attorney under this article that authorizes an attorney in fact to apply for public benefits on behalf of the individual; and
- (2) an advance directive under [IC 16-36-7](#) that authorizes a health care representative to apply for public benefits on behalf of the individual under [IC 16-36-7-36\(a\)\(6\)](#);

the authority of the attorney in fact described in subdivision (1) to apply for public benefits on behalf of the individual and to access the individual's assets, income, and banking and financial assets supersedes the authority of the health care representative described in subdivision (2).

(d) The authority of a health care representative described in subsection (c)(2) supersedes the authority of an attorney in fact described in subsection (c)(1) to apply for public benefits on behalf of the individual if the individual has specifically granted the authority of the health care representative to supersede the authority of the attorney in fact in the executed power of attorney.

(e) Notwithstanding any other law, a document granting health care powers to an attorney in fact for health care may not be executed under this chapter after December 31, 2022. However, if a power of attorney that is executed after December 31, 2022, is written to grant both:

- (1) health care powers; and
- (2) nonhealth care powers under this chapter;

to an attorney in fact, the health care powers are void, but all other powers granted by the power of attorney will remain effective and enforceable under this article.

*As added by P.L.149-1991, SEC.2. Amended by P.L.2-1993, SEC.154; P.L.143-2009, SEC.30; P.L.81-2015, SEC.20; P.L.50-2021, SEC.74; P.L.38-2023, SEC.19.*