

UNIFORM POWER OF ATTORNEY ACT (EXCERPT)
Act 187 of 2023

556.209 Effective date of power of attorney.

Sec. 109.

(1) A power of attorney is effective when executed unless the principal provides in the power that it becomes effective at a specified future date or on the occurrence of a specified future event or contingency.

(2) If a power of attorney is intended to become effective on the occurrence of a specified future event or contingency, the principal may, in the power, authorize 1 or more persons to determine in a record that the event or contingency has occurred.

(3) If a power of attorney is intended to become effective on the principal's incapacity and the principal has not authorized a person to determine whether the principal is incapacitated, or the person authorized is unable or unwilling to make the determination, the power becomes effective on a determination in a record by either of the following:

(a) A physician or licensed psychologist that the principal is incapacitated within the meaning of section 102(i)(i).

(b) An attorney at law, a judge, or an appropriate governmental official that the principal is incapacitated within the meaning of section 102(i)(ii).

(4) A person authorized by the principal in the power of attorney to determine that the principal is incapacitated may, to the extent necessary or convenient in making that determination, act as the principal's personal representative under the health insurance portability and accountability act of 1996, Public Law 104-191, sections 1171 to 1179 of the social security act, 42 USC 1320d to 1320d-8, and applicable regulations, to obtain access to the principal's health care information and communicate with the principal's health care provider.

History: 2023, Act 187, Eff. July 1, 2024