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Health Care Proxy

What is a health care proxy?

A health care proxy is a document executed by a competent person (the principal) giving another person (the agent) the authority to make health care decisions for the principal if you become unable to make or communicate such decisions.

Why should I have a health care proxy?

In case you ever become incapacitated, it is important that someone has the legal authority to communicate your wishes concerning medical treatment. This is true especially if you disagree with family members about your treatment. By executing a health care proxy, you ensure that the direction that you have given your agent will be carried out in the event of such disagreement.

Who should I appoint as my agent?

Since your agent is going to have the authority to make medical decisions for you in the event you are unable to make such decisions yourself, it should be a family member or friend you trust to follow your wishes. Before executing a health care proxy, you should talk to the person you want to name as your agent about your wishes concerning medical, decisions, especially life sustaining treatment.

Should I have a medical directive?

A medical directive provides your agent with instructions on what type of care you would like. If you wish, you may include a medical directive in your health care proxy or it may be a separate document. It may include specific instructions concerning the initiation or termination of life sustaining treatment or a more broad statement describing your general philosophy. Some organizations, such as Aging with Dignity (www.agingwithdignity.org), offer workbooks that allow you to be more specific and comprehensive about your wishes.

When does a health care proxy take effect?

A health care proxy takes effect only when you require medical treatment and are unable to make or communicate your wishes concerning your treatment.

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What if I become able again to communicate my own decisions?

If you become able to express your wishes at any time, you will be listened to and the health care proxy will have no effect.

Who should have a copy of my health care proxy?

Your agent should have the original document. You should have a copy and your physician should have a copy with your medical records.

How can I get a health care proxy?

Contact an attorney who is skilled and experienced in this area.

What about HIPAA?

The Health Insurance Portability and Accountability Act imposed privacy restrictions on doctors and other health care providers sharing information with people other than their patient. This often interferes with communication with family members who may have information vital to the patient's care. If the health care proxy has been invoked, the agent can stand in for the patient and talk to medical providers. However, we recommend to our clients that they also execute a separate HIPAA release including all the people they would like to have access to their medical records if need be.