

How to choose a health care agent



One of the most important decisions in advance care planning is who you would choose to make health care decisions for you if you could not make them for yourself. This person is called a “health care agent” or a “power of attorney for health care.”

Think about someone you trust who could serve as your agent (the decision maker you have chosen). Also think about naming a second agent in case your first agent is not available, able or willing to make decisions for you.

How do I choose?

Being a medical decision maker for someone else is not easy. Sometimes decisions need to be made quickly when emotions are strong. People who care about you and know you well may not be willing or able to make medical decisions for you.

Ask yourself:

- Am I comfortable with this person knowing my health information and talking with my doctors?
- Is this person comfortable enough in hospitals and other care settings to speak up for me and ask questions about my care if they do not understand?
- Can this person be reached and be able to respond in a reasonable period of time, like within 24 hours?
- Is this person willing to honor my decisions, even if under pressure from others to do something different?
- Is this person able to make decisions in times of stress?

Be sure to talk with the person you are thinking of naming as your agent. Sometimes people are named as an agent in an advance directive but are not asked first, told about it later or given a copy of the form. It helps to have a conversation with the person ahead of time to make sure they know your wishes and can honor them. Be sure to give them a copy of your advance directive when it is completed.

What decisions can my agent make for me?

Agents may make decisions about day-to-day care and the setting where you get care. They may also make decisions about starting, keeping or stopping treatments to extend life if you were dying. This may include decisions about ventilators (breathing machines), CPR (cardiopulmonary resuscitation), feeding tubes and other treatments.

When your agent already knows your decisions about the kind of care you would want or not want their role is to make sure your wishes are known and followed as closely as possible.

What happens if I do not choose a health care agent?

If you become unable to make your own decisions and you do not have an advance directive that names a decision maker, your health care team will:

- Follow any legal document or order that states your wishes and instructions for your care. The clearer your wishes are written, the clearer your care plan will be.

- Follow state law to find out who your decision maker will be for decisions that are not covered in your legal document. The person who is chosen by law to be your decision maker may be your legal next of kin. This may or may not be the person you would have chosen.
- Seek a legal guardian for you if your next of kin cannot be found or is unable to serve as your decision maker. The guardian may or may not be someone who knows you.

Next steps

When you are ready to name your health care agent in writing, your health care team can help. We can meet with you and your agents to answer any questions you may have. If you would like help to complete the advance directive, let us know. We will make copies for your medical record and your agent.