

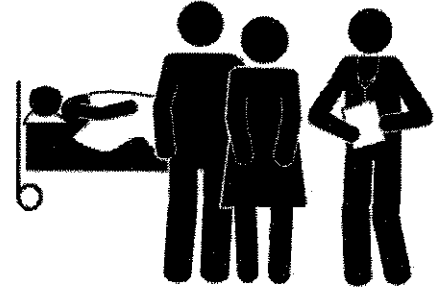


Planning For Your Care

The Massachusetts Health Care Proxy

What is a Health Care Proxy?

A Health Care Proxy (sometimes called a health care “agent”) is someone who can be your voice if you are ever unable to make or express health care decisions yourself. It’s up to you to pick your Health Care Proxy. This person can make sure your care providers know what matters to you if you are ever too sick to speak for yourself.



It is never too soon to choose a Proxy. Everyone 18 years of age and older—people who are healthy as well as those who are sick—should complete a Health Care Proxy form. Many serious health problems come up unexpectedly. Think of the Proxy as a form of insurance: you hope you never need it, but if you do, it’s important that you’re prepared.

Whom should I choose as my Proxy?

Your Health Care Proxy should be someone who can understand and respect your values and wishes about health care. It should also be someone who will be willing and able to communicate your values and wishes to your health care providers, even if this is difficult to do. It is often a spouse or a close family member, but it does not have to be. You are free to name almost anyone you choose as your Proxy.

There are only a few rules about people you may *not* name:

- You may not name someone under 18.
- If you are currently a patient at a health care facility, you may not name an employee of that facility as your agent (unless the person is a relative).
- You may not name a member of your current care team. For example, a doctor or nurse cannot be providing care for you and serving as your Proxy at the same time.

How do I complete a Massachusetts Health Care Proxy?

Do I need a lawyer or a notary? No. A Massachusetts Health Care Proxy Form is part of this packet and can be filled out any time. You do *not* need a lawyer or notary. Also, the person you name as the Proxy (or alternate) does *not* need to be present and does *not* need to sign the form.

Do I need witnesses? Yes. For the form to be complete, it must be signed by you (or your authorized representative) and witnessed by two adults. The witnesses cannot be the Proxy or alternate Proxy. Ideally your witnesses should be from your personal life. But if needed, hospital staff may serve as witnesses. (If they do, they should give their work address on the form.) A copy of the form is just as valid as the original.

Do I need a Health Care Proxy if I have a living will or have otherwise expressed my wishes?

Yes. A Health Care Proxy is not the same as a living will or other forms people often use to document their wishes. While living wills and other planning forms are useful tools, they cannot possibly cover every situation that may arise or every decision that may need to be made. That is why having a Proxy is so important. The Proxy can be your voice and can speak for you no matter what health care decision needs to be made. Additionally, in Massachusetts, if you cannot make or express your own health care decisions, a completed Health Care Proxy form is the only legally binding document related to your health care. For more information, see “Important Terms to Know.”

May I have more than one person as my Proxy?

In Massachusetts, you may name one “primary” Proxy and also an “alternate” Proxy. The alternate person would only step in as your Proxy if your primary Proxy was unavailable or was unable or unwilling to serve.

Can family and friends who are not my Proxy also be involved in my health care decisions?

Yes. A larger circle of family and friends can be involved in decisions about your care. In fact, people who are close to you might be very helpful to your Proxy if he or she needs to make difficult choices about your care. Talking to your Proxy about who should be part of this process is important. (See “How Will My Proxy Know What I Want?”) Still, in the end your health care team will look to your Proxy to speak for you.

If a family member does not agree with care plans that are being made, or believes that your Proxy is not carrying out your wishes, he or she may go to court to challenge your Proxy’s decisions.

When does the Proxy make decisions for me?

Your Proxy makes decisions for you *only after* your doctor has said that you are not able to make or express decisions about your care. This is done based on standards of medical practice. Once your Proxy begins making decisions for you, your Proxy will have access to any medical information that you would have access to yourself. Your Proxy speaks for you only as long as you remain unable to communicate your own wishes. If your doctor says that your ability to speak for yourself has returned, your Proxy no longer speaks for you.

What if I change my mind about who my Health Care Proxy should be?

You may change your mind at any time. Be sure to tell your health care team about the change. Your signed Proxy form will be cancelled if:

- You fill out a new form at a later date
- You legally separate from or divorce your spouse, and your spouse was named as your agent. (If you wish to use your ex as your Proxy, you may do so as long as the form naming this person as your Proxy was completed after the date of your separation or divorce.)
- You tell your agent, doctor, or other health care provider, verbally or in writing, that you have changed your mind about your Proxy

What happens if I don’t have a Health Care Proxy?

You do not need a Health Care Proxy to receive care here. But if you do not have one, your health care providers will automatically turn to your family for guidance regarding your wishes. If you have not told them what you would want in a particular situation, they will be left to guess. This may be a difficult burden for them, and they may not make the decisions you would want them to make. You can help prevent your loved ones from suffering unnecessary stress and anxiety by selecting a Proxy and having a conversation ahead of time about your care.

Also, if you do not have a Health Care Proxy, decisions about your care will need to be addressed in court in certain situations. For example, this may happen if your family cannot be reached or disagrees about the course of your care. Also, nursing home placement cannot occur without a Proxy or court-appointed guardian.

What happens if I go to a hospital other than BID Plymouth?

If you go to another hospital in Massachusetts and you have a copy of your Proxy form, you do not need to fill out a new form. If you go to a hospital in another state, your Proxy form will be honored in most cases.

Questions?

Additional FAQs are available at www.bidmc.org/proxy. For more information, speak with a member of your health care team, including your doctor, nurse, social worker, or chaplain.

To learn more about advance care planning in general, visit www.bidmc.org/conversationready.