

## Health Care Proxy Tool Kit

**Every competent adult, 18 years old & older, can make a health care plan.**

You can start to make your plan by choosing a trusted person as your Health Care Agent or “Agent”. Your Agent is your advocate who can step in to talk with your doctors and make health care decisions on your behalf, if you are not able to make decisions yourself. You appoint your Agent in a simple legal document called a Health Care Proxy.

### Here's how to complete a Health Care Proxy:



#### 1. Review the helpful information & tools

- *Choosing a Health Care Agent: What does an Agent do?*
- *Things to Know About a Health Care Proxy*
- *Health Care Proxy Instructions & Document*
- *5 Things To Talk About With Your Care Providers*



#### 2. Ask a trusted person to be your Agent

- Tell your Agent what's important to you.
- Talk about the kind of care you want.



#### 3. Appoint your Agent in the *Health Care Proxy* document

*To complete the document, you'll need the following:*

- The name, address, & phone numbers of your Agent & Alternate Agent, and
- Two adults to act as witnesses. They watch you sign the document and sign after you.
- When ready to begin, just follow the step-by-step instructions.



#### 4. Talk to your Agent, Family, & Care Providers

*Use this checklist to put your plan into action:*

- ☐ Keep the original document and give a copy to your Agent;  
Share with family or anyone you choose.
- ☐ Give a copy to your doctors & care providers to scan into your medical record.
- ☐ Talk with your doctors & care providers about your care goals, values and priorities.  
Use the **“5 Things to Talk About With Your Care Providers”** to start a discussion.

## Choosing a Health Care Agent: What does an Agent do?



As a competent adult, 18 years old and older, you have the right to direct your own health care decisions. However, serious accidents and illness can happen at any age, where you may not be able to make decisions about your care, even for a short while. You can choose a trusted person, called a Health Care Agent or Agent, who can step in to help you get the care you want. Your Agent is your advocate with the legal power to talk with your care providers to get you the best possible care that matches your values and choices, all through your lifetime.

### 1. Who can I choose?

Your Agent can be a family member, friend, co-worker, faith or community group member — anyone you trust except a person employed in the facility where you are a patient unless related to you by blood, marriage or adoption.

### 2. What does my Agent do?

Your Agent is your advocate and tells your family & care providers what's important to you and your instructions for care. Your Agent makes decisions based on your values, beliefs and the care you want— not what the Agent might want. You give your Agent the power to make 'any and all' decisions including life-sustaining treatments decisions or limit the Agent's powers in a Health Care Proxy.

### 3. When does my Agent 'step in' to make decisions? When does my Agent 'step-back'?

Your Agent can 'step in' if you have a serious illness or injury and your physician determines you are unable to make care decisions for yourself, even for a short while. If you regain your ability to make your own decisions, your Agent 'steps back' and no longer has decision-making powers. Your Agent is there for you all through your life.

### 4. How does my Agent make decisions for me?

Your Agent first consults with your care providers about your medical condition and the benefits and risks of possible treatment options. Your Agent then makes decisions in accordance with his/her assessment of your values, beliefs, and care choices. If your choices are unknown, your Agent makes an assessment of what is in your best interest.

### 5. What kinds of decisions might an Agent make?

An Agent makes decisions to help care providers match the best care to your values and choices at every phase of health. For instance, when you are:

- Young & healthy, an Agent may consider care goals that get you back to your life;
- Managing illness, an Agent may consider 'quality of life' care goals and your priorities if your illness progresses;
- Coping with serious illness & end of life care, an Agent may consider your care goals and tradeoffs you are willing to make, and your life-sustaining treatments choices.

### 6. Do I have to appoint an Agent?

Massachusetts law says every competent adult has the right to appoint an Agent and Alternate Agent in a Health Care Proxy in order to give a trusted person(s) the legal power to make decisions for you. A spouse or family member does not automatically have the legal authority to make decisions unless appointed in a Health Care Proxy.

### 7. Do I need an attorney to appoint an Agent?

You do not need an attorney to appoint an Agent in a Health Care Proxy. We offer a no cost **Health Care Proxy Instructions & Form** you can do yourself.

### 8. What should I talk about with my Agent?

Tell your Agent what's important to you and give instructions for the kind of care you want and do not want. We offer a no cost **Personal Directive Instructions & Form** to use as a guide when talking with your Agent and to write down your care choices.

## Things to Know About a Health Care Proxy

### 1. What is a Health Care Proxy?

- A simple legal document you can do yourself
- You choose a person you trust, called a Health Care Agent, to talk with your doctors and make health care decisions on your behalf, if you are not able to make effective decisions yourself
- It tells your doctors who to talk to about your care, when they can not speak with you

### 2. Who can sign a Health Care Proxy?

- Every competent adult has the choice to sign a Health Care Proxy. An adult must be:
- 18 years old and older; able to understand his or her medical condition and the risks and benefits of possible treatments, and that he/she is giving another person the authority to make health care decisions on their behalf; and under no constraint or undue influence

### 3. How does a Health Care Proxy work?

- As a competent adult, you make your own health care decisions and direct your care
- If you have a serious illness or injury, and your attending physician determines in writing that you lack the ability to make or communicate health care decisions, your Health Care Agent steps in as your advocate with the authority to make health care decisions and get you the care you want
- If you regain your ability to make decisions, your Agent steps back and no longer has authority

### 4. Who can be my Health Care Agent?

- You can choose a spouse, family member, a friend – or someone you trust who knows what's important to you and can represent your wishes and make complex decisions
- Who cannot be an Agent? A person employed in a facility where you are a patient or resident or have applied for admission, unless they are related by blood, marriage or adoption

### 5. What decision making authority can I give my Health Care Agent?

- You can give your Agent full authority to make any and all health care decisions that come up, or
- Limit your Agent's decision making authority by writing it in your Health Care Proxy
- You can give your Agent specific instructions and information in your Personal Directive

### 6. Who can be a witness to sign the Health Care Proxy?

- Any competent adult can be a witness except your Health Care Agent and Alternate Agent
- Two adults must be present as witnesses when this document is signed. They watch as you sign the document, or as another person signs at your direction, and sign after you.

### 7. Can I change my mind or cancel or revoke a Health Care Proxy?

- As long as you are competent you can change your mind, and change your Agent, his/her authority, and your preferences for the care you want. It's your document and your choice.
- A Health Care Proxy is revoked if you sign a new one; if you divorce or legally separate and your spouse is your Agent; or tell your Agent or provider you revoked or intent to revoke your Proxy

## Massachusetts Health Care Proxy Instructions and Document

**Instructions:** Every competent adult, 18 years old and older, has the right to appoint a Health Care Agent in a Health Care Proxy. To create your Health Care Proxy, print this two page form and place the instructions page and the blank document in front of you. Follow the step-by-step instructions and sign and date the Health Care Proxy in front of two witnesses, who sign and date the document after you.

### 1. Your Name and Address *(Required)*

Print your full name in the blank space. Print your address.

### 2. My Health Care Agent is: *(Required)*

Print the name, address and phone numbers of your Health Care Agent.

- Choose a person you trust to make health care decisions for you based on your choices, values and beliefs, if you cannot make or communicate decisions yourself;
- Your Health Care Agent and Alternate Agent cannot be a person who is an operator, administrator or employee in the facility where you are a patient or resident or have applied for admission, unless they are related to you by blood, marriage or adoption.

### 3. My Alternate Health Care Agent *(Not required, but helpful to have an Alternate Agent)*

If possible, appoint a person you trust as a back-up or Alternate Agent, who can step-in to make health care decisions if your Health Care Agent is not available, not willing or not competent to serve, or is not expected to make a timely decision. Print the name, address and phone numbers.

### 4. My Health Care Agent's Authority *(Required)*

Here's where you give your Agent either the broadest possible decision-making authority to make "any and all" decisions including life sustaining treatments, or limit his/her authority:

- If you want to give "any and all" decision-making authority, just leave this area blank.
- If you do not want to give "any and all" decision-making authority, describe the way in which you want to limit your Agent's authority and write it down in the space provided.

### 5. Signature and Date *(Required)*

Do NOT sign ahead. Sign your full name & date in front of two adult witnesses who sign after you.

- You can have someone sign your name at your direction in front of two witnesses.

### 6. Witness Statement and Signature *(Required)*

Any competent adult can be a witness except your Health Care Agent and Alternate Agent.

- Two adults must be present as witnesses when this document is signed. They watch as you sign the document, or as another person signs at your direction, and sign after you to state that you are at least 18 years old, of sound mind, and under no constraint or undue influence.
- Have Witness One sign, then print his or her name and the date;
- Then have Witness Two sign and print his or her name and the date.

### 7. Health Care Agent Statement *(Optional)*

This section is not required, but it can help your doctors and family know the Agents you appointed have accepted the position. Your Agent(s) signs and prints the date in the spaces provided.

**Important:** Keep your original Health Care Proxy. Make a copy and give it to your Health Care Agent. Give a copy to your doctors and care providers to scan in your medical record so they know how to contact your Agent if you are ill or injured and unable to speak for yourself.

# Massachusetts Health Care Proxy

**1. I,** \_\_\_\_\_ **Address:** \_\_\_\_\_,

appoint the following person to be my Health Care Agent with the authority to make health care decisions on my behalf. This authority becomes effective if my attending physician determines in writing that I lack the capacity to make or communicate health care decisions myself, according to Chapter 201D of the General Laws of Massachusetts.

**2. My Health Care Agent is:**

**Name:** \_\_\_\_\_ **Address:** \_\_\_\_\_

**Phone(s):** \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_

**3. My Alternate Health Care Agent**

If my Agent is not available, willing or competent, or not expected to make a timely decision, I appoint:

**Name:** \_\_\_\_\_ **Address:** \_\_\_\_\_

**Phone(s):** \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_

**4. My Health Care Agent's Authority**

I give my Health Care Agent the same authority I have to make any and all health care decisions including life-sustaining treatment decisions, except (list limits to authority or give instructions, if any):

\_\_\_\_\_  
\_\_\_\_\_.

I authorize my Health Care Agent to make health care decisions based on his or her assessment of my choices, values and beliefs if known, and in my best interest if not known. I give my Health Care Agent the same rights I have to the use and disclosure of my health information and medical records as governed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. 1320d. Photocopies of this Health Care Proxy have the same force and effect as the original.

**5. Signature and Date.** I sign my name and date this Health Care Proxy in the presence of two witnesses.

**SIGNED** \_\_\_\_\_ **DATE** \_\_\_\_\_

**6. Witness Statement and Signature**

We, the undersigned, have witnessed the signing of this document by or at the direction of the signatory above and state the signatory appears to be at least 18 years old, of sound mind and under no constraint or undue influence. Neither of us is the health care agent or alternate agent.

***Witness One***

**Signed:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

***Witness Two***

**Signed:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**7. Health Care Agent Statement (Optional):**

We have read this document carefully and accept the appointment.

**Health Care Agent** \_\_\_\_\_ **Date** \_\_\_\_\_

**Alternate Health Care Agent** \_\_\_\_\_ **Date** \_\_\_\_\_

## Talking with Your Doctors & Care Providers

### 5 Things To Talk About With Your Care Providers

*To make a plan for the best possible care.*

**INFORMATION TO  
MAKE CHOICES**

**1. I'd like to understand more about my health or illness and treatment options:**

- Here's what I know about my health or illness. Here's what I'd like to know today;
- What's ahead for me? What information would help me to plan for the future?

**MY GOALS**

**2. I want to discuss my goals and explore the care I want and do not want:**

- Given my personal values, beliefs and priorities, here's what is important to me;
- Here's what worries or concerns me.

**MY PLAN**

**3. Let's discuss my care plan and writing down my choices in planning documents:**

- What's the plan for getting me to my goals?; What are the next steps?;
- I want to choose a Health Care Agent; can you help me with a Health Care Proxy?;
- Here's a copy of my Health Care Proxy; can you place it in my medical record?

**KNOW MY CHOICES**

**4. I'd like to make sure you know my choices and that my medical record is up-to-date:**

- Let's review my current health or illness, and changes in my priorities and choices;
- I'd like to revise/add a planning document and review the documents in my record.

**HONOR MY CHOICES**

**5. I'd like to make sure my care providers honor my choices all through my life:**

- In an emergency, or if I can't speak with you, how will my choices be followed?;
- I'd like to bring in my family / Agent to talk about my plan and honoring my choices.



See more questions at My Health Care Plan, at [www.honoringchoicesmass.com/connect/](http://www.honoringchoicesmass.com/connect/)

**5 Things to Talk About with Your Care Providers** is a handy discussion guide to help you start a planning discussion with your doctors & care providers. The questions can help you learn more about your medical condition, discuss goals for care, and make a plan so your care providers can honor your values and choices. Start with just one question or more, and write down your own questions below to bring to your next appointment.

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