

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



Starting at 18 years old, you can make your own health care choices and write down your care choices in a personal care plan. A good place to start your plan is by choosing a trusted person to be your Health Care Agent (Agent) and writing or appointing your Agent in a Health Care Proxy document. If you get sick and are not able to make care decisions yourself, even for a short time while you get better, your Agent can step in with the legal authority to talk with your doctors and make health care decisions to get you the care you want and need. See the *Quick Start webpage*.

1. Who can I choose?

Your Health Care Agent (Agent) can be a trusted family member, friend, co-worker, faith or community group member — anyone 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 health care decisions based on your values, beliefs and the care you want— not what the Agent might want. Under Mass law, you can 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 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, choices and priorities at every phase of health. For instance, when you are:

- Young & healthy, an Agent considers your care goals to 'get you back to your life';
- Managing chronic illness, an Agent considers what's most important you and getting you treatments that match your priorities and care preferences.
- Living with serious illness & end of life care, an Agent considers your changing care goals and preferences, and your life-sustaining treatments choices.

6. Do I have to appoint an Agent?

Yes. Under Massachusetts law, competent adults can exercise their right to appoint an Agent in a Health Care Proxy. A spouse or family member does not automatically have decision-making authority unless appointed as an Agent in a Health Care Proxy.

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

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

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 to receive. We offer a **Personal Directive Instructions & Form** to use as a guide when talking with your Agent and to write down your care choices.