

## Health Care Proxy

A Health Care Proxy (also known as a health care power of attorney) is a document created by a person (the principal) that names another person as his or her health care agent to have the authority to make decisions if and when the principal is determined to be incapable of making medical care decisions for him/her self.

Any capacitated adult (those without mental impairments) is capable of creating a health care proxy. A person does not need to have the capability of making and understanding all medical decisions in order to be able to issue a health care proxy. A person simply has to understand that he or she is giving another person (the agent or proxy) the authority to make medical decisions on his or her behalf if and when he or she is not capable of making these decisions.

Please click on <http://www.health.state.ny.us/forms/doh-1430.pdf> to retrieve a New York State Form with instructions which has been developed by the NYS Department of Health. You are also free to develop your own form but it must meet the following requirements:

1. Be signed and dated by you.
2. Be signed and witnessed by at least two people at least 18 years of age. (The person who is appointed as your agent or alternate agent cannot sign as a witness.)
3. You should tell the person that you want to choose that you would like them to be your agent. You should discuss your wishes with them. Are they willing to carry out your wishes and act on your behalf? If not, select someone who will do what you want. Be sure to give your agent a signed copy of the health care proxy. You may also wish to give your doctor(s) a signed copy.
4. In NYS, your agent will have the authority to make any and all decisions on your behalf, EXCEPT in the areas of artificial feeding and hydration. Your agent must have knowledge of your wishes regarding artificial nutrition and hydration. Although the law does not require that you put your wishes in writing, it may be hard for the agent to prove that he/she knows your wishes if you have not done so.
5. You cannot designate the physician (or health care institution) who is providing your medical care as your health care agent.
6. You may wish to include a statement indicating your desire to have comfort measures provided to you.
7. A NYS health care proxy form may not be valid in other states if they have specific regulations that are not addressed by this form. If you spend time in more than one state, you should seek information about the necessary requirements of the other state.