

## Choosing a Healthcare Agent

A healthcare agent is also known as a surrogate or proxy and is someone you designate and empower to make medical decisions for you if, at some future time, you are unable to make decisions yourself. Your agent can be a close relative or friend but should be someone who knows you well and someone you trust to speak on your behalf. In most states, your agent can make decisions any time you lose the ability to make a medical decision, not just decisions about the end of life.

### What powers does a healthcare agent have?

Once appointed a healthcare agent is empowered to talk with your doctors, look at your medical records, and make decisions on your behalf. Therefore, it is important to talk with your healthcare agent about your wishes. Explain what you are asking of them and talk about why you picked them. Your healthcare agent needs to know about the quality of life that is important to you and when and what medical treatments you would want and not want (<https://www.caringinfo.org/planning/advance-directives/creating-advance-directive#what-kind-of-treatments>). Your healthcare agent and your providers will be guided by your written wishes in your advance directive, but the more they understand how you see things, the more they will be able to make the choices you would have wanted in unanticipated situations.

### How do you choose a healthcare agent?

Talk with the people you are considering. Discuss your values and quality of life concerns as well as treatments and medical issues that you anticipate given your own situation. Because situations could occur that you might not anticipate, your agent may need to base a decision on what they know about your values and your views of what makes life worth living. These are not simple questions, and your views may change. For this reason, you need to talk with your agent in depth and over time.

Your healthcare agent should be someone who:

- Knows you well
- Is calm in a crisis
- Understands how you would make the decision if you were able
- Is not afraid to ask questions and advocate to doctors
- Can reassure and communicate with your family

The questions you would consider (<https://www.caringinfo.org/planning/advance-directives/what-is-an-advance-directive/>) and discuss with your prospective agent are the same as for an advance directive. Once having spoken with your healthcare agent, it is important to complete your advance directive (<https://www.caringinfo.org/planning/advance-directives/creating-advance-directive/>).

### How do you appoint a healthcare agent?

There are at least three documents that may be used to appoint a healthcare agent.

- **Advance Directive:** Virtually all advance directive forms now include appointing a healthcare agent along with the description of your wishes. While the description of wishes is just that and not a legal document, the portion that appoints a healthcare agent to advocate for your wishes is a legal document.
- **Healthcare Power of Attorney:** A healthcare power of attorney empowers someone(s) to speak on your behalf, but generally does not contain any description of your wishes. Unless you have discussed your wishes with the appointed person, they are left trying to figure out what you would have wanted.
- **Healthcare Proxy:** A healthcare proxy is another name for a healthcare power of attorney.

### What Happens If You Don't Have A Healthcare Agent and You Cannot Speak for Yourself?

Laws and rules vary from state to state and even by healthcare system. Some states specify an order in which people may speak others are silent. Doctors will often take guidance from people close to the patient, but this is informal and if there are disagreements the court may step in to appoint a conservator to take care of your medical decisions for you. It is obviously much better to have appointed someone that knows and cares for you.