

Planning For Your Care

Health Care Proxy and Advance Care Planning at BIDMC

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. Many people choose a spouse, partner, or someone else who is close to them. But these are not the only options. 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 or resident at a health care facility, you may not name an employee of that facility (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.

What if I can't think of anyone to be my Proxy?

Sometimes people have trouble thinking of someone to be their Proxy. If you find yourself in this situation, staff in the Social Work department at BIDMC can help you think of options. Please call them at **617-667-3421**.

How do I complete a Massachusetts Health Care Proxy?

Do I need a lawyer or a notary? **No.** The 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.

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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 my 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 Proxy. (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 Proxy, 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 at BIDMC. 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 BIDMC?

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.

How Will My Proxy Know What I Want?

It's important to **plan a conversation** with your Health Care Proxy. Imagine that you're seriously injured or ill and your Proxy is called. Would he/she know what you'd want? Help make sure you're both ready. Set aside a time and place to have a conversation with your Proxy and perhaps other people close to you. Think about the following as you plan your conversation. For more tips, visit www.bidmc.org/conversationready.

Who?

When you have your conversation with your Proxy, who else should be there? These people might be called upon to help the Proxy make tough decisions. Some possibilities are:

- | | | |
|-----------------------------------|---|--|
| <input type="checkbox"/> Parents | <input type="checkbox"/> Partner/spouse | <input type="checkbox"/> Spiritual/religious advisor |
| <input type="checkbox"/> Friends | <input type="checkbox"/> Caregiver | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Children | <input type="checkbox"/> Doctor | |

When?

Pick a date and time when you can have a relaxed conversation. (Remember, it often feels like it's "too early" to talk about this, until suddenly it's "too late.") You might want to think about having the conversation:

- | | | |
|--|--|--|
| <input type="checkbox"/> Before your next doctor's appointment | <input type="checkbox"/> Before the baby arrives | <input type="checkbox"/> Before a child moves away from home |
| <input type="checkbox"/> At a family dinner or holiday gathering | <input type="checkbox"/> Before you get sick (or get sick again) | <input type="checkbox"/> Other _____ |

When will you have your conversation?

Date: _____ Time: _____

Where?

Pick a location where you won't be interrupted and that's comfortable for everyone. Some ideas are:

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|---|--|---|
| <input type="checkbox"/> At the kitchen table | <input type="checkbox"/> Sitting outside | <input type="checkbox"/> At a spiritual/religious place |
| <input type="checkbox"/> On a walk or hike | <input type="checkbox"/> On a long drive | <input type="checkbox"/> Other |

How?

Try starting the conversation with something like: "I'd like you to be my Health Care Proxy. If I get injured or seriously ill someday, you could be called on to speak for me. I want you to know what matters to me so that you can be my voice without having to guess or worry about what to do."

What?

Here are some things to think and talk about:

- When you think of being seriously ill or injured, or being in the last phase of your life, what's most important to you? How long you live or the quality of your life?
- Are there any particular milestones or events that you'd like to be around for, if possible?
- Are there certain types of treatment you would or would not want? Why or why not? Do you have specific concerns?
- Are there certain religious or ethical views that should be considered in planning your care?
- Where would you want—or not want—to receive care (for instance, in a hospital, at home, in a nursing facility)?
- Are there people you'd want your Proxy to contact—or not contact—to help him/her make decisions?
- What are your thoughts about organ donation?
- When would it be okay to shift from trying to cure a disease to focusing mostly on comfort?
- Are there circumstances that would make life feel unbearable to you?
- Are there situations in which you would want to limit life-sustaining treatment?

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What is advance care planning?

Advance care planning is the process of thinking ahead to a time when you may be unable to make or express health care decisions for yourself (for instance, if you become seriously ill or injured). It involves conversations with your doctor, your Health Care Proxy, and others close to you about what matters most to you. And it involves completing a Proxy – like the one in this packet.

Why is advance care planning important?

At BIDMC, we want to make sure you always get the care that is right for you. It can be hard to predict what the future might hold, so one of the best ways to make sure that you receive the care you want is to plan ahead. Advance care planning helps you clarify and express your wishes, and it can also help ensure that your health care team, your Proxy, and those closest to you know what matters most to you so they won't be left guessing.

What is an advance directive?

An advance directive is any instruction about your health care that you might prepare “in advance.” Two examples are the Health Care Proxy form and a living will.

What is a living will?

A living will is a type of advance directive in which you say what kind of care you would or would not want in certain circumstances. It can be helpful as evidence of your preferences, but it cannot possibly cover every situation or question that might arise about your care. That is why having a Health Care Proxy is so important. If a complex situation arises that is not addressed in your living will, and you cannot speak for yourself, your doctors will ask your Proxy to speak on your behalf about what matters most to you, and together they will use that information to help guide any necessary decisions.

What is a Durable Power of Attorney?

In Massachusetts, a Durable Power of Attorney is someone you name to act on your behalf regarding financial, legal, and other matters. (Note: outside of Massachusetts, the Health Care Proxy is sometimes called the “Durable Power of Attorney for Health Care.”)

What is MOLST?

MOLST, which stands for Medical Orders for Life Sustaining Treatment, is a medical order form available to patients with serious illness or older age. It records a patient's wishes about treatments that might be considered in his/her care. Like other medical orders, MOLST helps guide the care provided by medical professionals. The form must be completed by a patient (or a Proxy who is speaking for the patient) and health care provider *together only after* they have had a discussion about the patient's condition and what the future might hold. To learn more, visit www.molst-ma.org or speak with a member of your health care team.