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Choosing A Health Care Proxy

In an emergency or at the end of life, you may not be able to make your own decisions about your medical care. To help ensure you get the care you want, you can choose a person to make medical decisions for you. This person is called a health care proxy. Choosing a health care proxy is an important part of [advance care planning](#), which involves discussing and preparing for future decisions in the event you can't make them.

What is a health care proxy?

A health care proxy — also known as a representative, surrogate, or agent — is a person who can make health care decisions for you if you are unable to communicate these yourself. They work closely with your health care team to ensure your care and treatment preferences are followed. Having a proxy can be especially helpful to have in place if unexpected situations arise, such as a serious car accident or stroke.

To name a health care proxy, you can use an advance directive called the durable power of attorney for health care. An advance directive is a legal document that provides instructions for medical care and only goes into effect if you cannot communicate your own wishes. A proxy can be chosen in addition to or instead of a [living will](#), which is another kind of advance directive that outlines your preferences around medical care and treatment.

Create your own plan

NIA's new email series, *Ready, Set, Plan!* A Weekly Guide to Advance Care Planning, will help you start planning for your future health care over seven weeks.

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Advance Care Planning: A Conversation Guide

Want to learn more about advance care planning? NIA's guide offers conversation tips, worksheets, and more.



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Who can be a health care proxy?

In most states, a health care proxy must be age 18 or older. In Alabama and Nebraska, a proxy must be age 19 or older. In all cases, a proxy must be of sound mind. Some people choose a family member, but others may decide on a trusted friend or neighbor or a lawyer.

While state requirements vary greatly, the [American Bar Association](#) generally recommends **not** choosing:

- Your health care provider or their spouse, employee, or spouse of an employee
- The owner or operator of your health or residential care facility or someone working for a government agency financially responsible for your care
- A professional evaluating your ability to make decisions
- Your court-appointed guardian or conservator
- Someone who serves as a health care proxy for 10 or more other people

Contact your state legal aid office or state bar association to confirm your state's rules and find out if there are any other limitations on who can be your proxy. You might also pick an alternate proxy, a backup if your primary proxy is unavailable for any reason.

Questions to consider when choosing your proxy

Think carefully about the person you choose to be your health care proxy. If you have a few people in mind, consider the following questions:

- Am I comfortable talking with this person about my wishes and priorities for health care?
- Will this person honor my wishes and do as I ask when the time comes?
- Do I trust this person with my life?
- Can this person handle conflicting opinions from my family, friends, and health care providers?
- Does this person live near me or would they travel to be with me if needed?

You may want to talk to more than one person about your wishes before deciding who is the right proxy for you. Once you've identified someone to serve as your proxy, ask them if they are willing to take on the responsibility.

What kinds of decisions can a health care proxy make?

Your proxy can only make decisions for you if you are too sick to make them yourself. You can specify how much control your proxy has over your medical care, including whether he or she can make a wide range of decisions or only a few specific ones. You can also choose which decisions you'd prefer your doctor to make and outline other preferences, such as requiring your proxy to talk with certain family members before making a decision. However, it's important to give your health care proxy some flexibility to ensure they can give you the best care possible.

Although it can vary by state, common responsibilities of a health care proxy include:

- Deciding the types of medical care, procedures, treatments, or services you receive
- Identifying your health care providers and where you will receive care
- Overseeing information about your physical or mental health and your personal affairs, including medical and hospital records
- Making decisions about autopsy, tissue, and organ donation, and what happens to your body after death
- Becoming your guardian if one is needed

Other important things to know:

- You can change your health care proxy at any time. Fill out a new durable power of attorney for health care form and let your family and health care team know about the change.
- You may name an alternate proxy if your proxy is unavailable for any reason.

Making your health care proxy decision official

To make your decision official, you will need to complete the durable power of attorney for health care form for your state. You can find, download, and print free advance directive forms for your state. You may need to have your form witnessed or notarized, so be sure to read the directions closely.

Get started by [finding advance directive forms for your state](#).

What to do after deciding on your health care proxy

After you name your health care proxy, make sure they have the right information:

- Give them a copy of the signed durable power of attorney for health care form, your living will, and any other documents you think they may need.
- Make sure your proxy knows the names and contact information for your health care providers.
- Ensure your health care provider knows the name and contact information for your proxy.

Remember to keep the conversation going over time. As your care preferences and decisions change, keep your proxy informed. Plan to talk to your proxy at least once each year about your wishes. If you choose to change your proxy, be sure to notify the person and your health care providers.

You may also be interested in

- Learning more about [preparing a living will](#)
- Reading about [advance directives for health care](#)
- Finding out about [legal and financial planning for people with dementia](#)

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For more information about choosing a health care proxy

Administration for Community Living (ACL)

202-401-4634

<https://www.acl.gov>

American Bar Association

800-285-2221

www.americanbar.org

CaringInfo

National Hospice and Palliative Care Organization

800-658-8898

caringinfo@nhpco.org

www.caringinfo.org

The Conversation Project

866-787-0831

<https://theconversationproject.org>

National POLST

202-780-8352

info@polst.org

www.polst.org

OrganDonor.gov

Health Resources & Services Administration

www.organdonor.gov

PREPARE for Your Care

info@prepareforyourcare.org

<https://prepareforyourcare.org>

Department of Veterans Affairs

877-222-8387

www.va.gov/geriatrics

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