

## **Choosing a health care representative or an attorney-in-fact with health care powers**

This information was compiled by the Putnam County Hospice and Palliative Care Association.

### **What is a health care representative?**

A health care representative is the person you choose to make health care decisions for you if your attending or treating doctor finds that you are not able to make health care decisions for yourself. A health care representative may also be referred to as a health care agent, a health care proxy, a health care surrogate, or an attorney-in-fact with health care powers.

### **What happens if I do not have a health care representative?**

If you do not have an advance directive specifying a health care representative and are seriously ill, permanently unconscious, or unable to make decisions, Indiana law specifies who can make health care decisions for you. The medical staff will ask the following persons, in the following order of priority, to make decisions about artificial life-prolonging treatment, including CPR, artificially provided ventilation, nutrition, and hydration.

1. A judicially appointed guardian or representative;
2. A spouse;
3. An adult child;
4. A parent;
5. An adult sibling;
6. A grandparent;
7. An adult grandchild;
8. An adult friend;
9. The nearest living adult relative.

If family members disagree about your medical care, someone may need to go to court and get a guardianship over you to make the necessary medical decisions.

### **What should I think about when choosing a health care representative?**

Below are some ideas to consider when choosing a health care representative.

1. Choose first, second, and third choice health care representatives if possible. Death, disability, and change can happen.
2. Choose people who know you well, care about you, and can make difficult decisions. Choose people who are able to stand up for you so that your wishes are followed. Choose someone who is likely to be nearby so they can help when you need them. Sometimes a spouse or family member may not be the best choice because they may be too emotionally involved. Sometimes they are the best choice. Whether you choose a spouse, family member, or friend as your health care representative, talk with them about your wishes, and be sure that this person agrees to respect and follow your wishes.
3. Your health care representatives must be at least 18 years of age.
4. Your health care representative should NOT be:
  - your health care provider, including the owner or operator of a health or residential or community care facility serving you.

- an employee or spouse of an employee of your health care provider.

### **What powers and duties should I consider granting to my health care representative?**

Below, are some types of decisions you may wish your health care representative to be able to make or NOT be able to make. Consider specifying in your advance directive the specific powers and duties you wish your health care representative to have. Possible powers and duties include, but are not limited to, the following:

1. Decisions about medical care or services such as tests, medicine, or surgery to diagnose or treat a medical condition.
2. Decisions about care to keep you alive. If the treatment or care to keep you alive has already started, decisions to continue care or have it stopped.
3. Interpret instructions you have given either in writing or in conversation.
4. Admit you to an assisted living facility, hospital, hospice, or nursing home.
5. Hire or fire any kind of health care worker you may need.
6. Make the decision to request, take away, or not give medical treatments, including artificially provided food, water, and any other treatments to keep you alive.
7. See and approve release of medical records and personal files. Sign for release of any such files.
8. Move you to another state to get the necessary care or carry out your wishes.
9. Authorize or refuse to authorize medications or procedures to help with pain.
10. Take any legal action needed to carry out your wishes.
11. Donate useable organs or tissues as allowed by law.
12. Apply for Medicare, Medicaid, or other programs or insurance benefits for you. See personal files like bank records to find out what is needed to complete these applications.

### **How do I change my health care representative?**

1. Notify your family and physicians that you wish to cancel or change your Health Care Representative.
2. Destroy old documents or write “revoked” on old Health Care Representative documents.
3. Create new Health Care Representative document and provide to family, friends, and physicians.