

Making Decisions



If a doctor determines that you must make decisions on behalf of the person who appointed you, you will need to have as much medical information as possible.

- ◆ Ask medical staff for information if you have any questions or need access to any written records about the patient's health.
- ◆ Keep your own notes and records about the patient's condition, the names of medical staff you met, and the dates and times of such meetings.
- ◆ Write a summary of your conversations about the patient's condition.
- ◆ Ask for a document - in writing - from your medical provider indicating the decisions you and the health provider agreed to regarding care. You want a clearly written record for treatment that you can share with family members.
- ◆ The Health Care Agent must carry out decisions outlined in the Proxy or verbal wishes of the patient, rather than make decisions based on their own judgment.

Filing Complaints

If you feel that your directions have not been followed or the quality of care or staffing is deficient, you should familiarize yourself with the process to file a complaint with hospital and health staff and, if necessary, with state and federal agencies (Medicare).



FOR MORE INFORMATION:

Contact **LIVANTA** to file a complaint with Medicare at **866-815-5440**

Contact the **New York State Health Department** at **800-804-5447**.

Contact **NY StateWide Senior Action Council** if you need assistance with patient's rights and appeals at **800-333-4374**.

NY StateWide Senior Action Council is a not-for-profit grassroots membership organization made up of individuals and organizations with an interest in improving the lives of senior citizens.

For more information, visit our Website at

nysenior.org

Role & Responsibilities of an Effective Health Care Agent



STATE WIDE

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Role and Responsibilities

If you have been designated by a family member or friend with a Health Care Proxy form to act as their Health Care Agent, you will need to carry out their wishes should they become mentally incapacitated.

At the time the Health Care Proxy is executed, an effective Health Care Agent should:

- ◆ Become knowledgeable about the patient's Health Care issues and specific illnesses they may be experiencing.
- ◆ Discuss the patient's wishes for care and treatment, particularly with regard to life-threatening illnesses.
- ◆ Review a number of Health Care scenarios and determine the patient's preferences in regard to extraordinary treatments and equipment used to keep the patient alive.



As an effective Health Care Agent, you should always have a copy of the Health Care Proxy form with you when you are in a Health Care facility and need to make decisions.

Follow-up

Health Care Agent's Follow-up:



- ◆ Maintain frequent contact and review the patient's wishes on an annual basis. Ensure that the patient updates or changes any wishes for treatment as needed.
- ◆ Ask for written confirmation of any decision or agreement reached between you and the patient.
- ◆ Keep copies of the Health Care Proxy form and make sure it is distributed to the patient's primary care doctor, family members and other health providers who are seen regularly.
- ◆ Any other advance directive forms such as the MOLST form (Medical Orders for Life Sustaining Treatment) should also be given to doctors and Health Care providers.

Advance directives should be discussed between the Health Care Agent and the patient before they enter a hospital for surgery or after they are in the hospital if it was for an unforeseen illness.

Maintaining Relationships



You will want to maintain close contact with family members if you have siblings or other relatives who want to be informed about the patient's care. You should consult with family members or close friends to solicit their thoughts on treatment, particularly if the patient is in a life-threatening situation. While it is ideal to have an agreement from family members on how and when to proceed when providing treatment or withdrawing care, it is up to the Agent to uphold the patient's wishes based on the Health Care Proxy form.

If there is tension among family members, sometimes they may attempt to influence Health Care providers even if you are the designated agent. You will need to make it clear to all that **you** are the only person with the authority to make decisions for the patient.

You will need to be in touch with the primary or attending doctor. They will determine when the person you are representing is no longer able to make decisions and when your role as Agent becomes effective.