

HEALTH CARE PROXY LAW

AN INFORMATION GUIDE FOR PATIENTS AND FAMILIES

NEW YORK STATE PROXY LAW

The New York Health Care Proxy Law allows you to appoint someone you trust, a family member or close friend, to decide about treatment if you lose the ability to decide for yourself. You can do this by completing a **Health Care Proxy Form** in which you appoint a health care agent and an alternate agent if you wish.

This law gives you the power to make sure that health care professionals follow your wishes. Your health care agent can also decide how your wishes apply as your medical condition changes. By appointing a health care agent, you can make sure that health care providers follow your wishes. Hospitals, doctors and other health care providers must follow your agent's decisions as if they were your own.

You may give your health care agent as little or as much authority as you want. You can allow your health care agent to decide about all health care or only certain treatments. You may also give your health care agent instructions that he or she has to follow regarding your wishes for treatment. Be specific about your wishes for artificial nutrition and hydration initiated/withheld or discontinued and under what circumstances.

You may also give your agent instructions that he or she has to follow. This form can also be used to document your wishes or instructions with regard to organ and/or tissue donation.

Appointing a health care agent is a serious decision. Talk about it with your family, close friends and physician. DO IT IN ADVANCE, not just when you plan to enter the hospital.

How can I appoint a health care agent?

All competent adults can appoint a health care agent by signing a form called a Health Care Proxy. You do not need a lawyer, but you need to sign the Health Care Proxy Form with two adult witnesses present. These witnesses must not be an agent you have appointed or your family member. The Health Care Proxy does not need to be notarized.



Why should I choose a health care agent?

If you become unable, even temporarily, to make health care decisions, someone else must decide for you. Health care providers often look to family members for guidance. Family members may express what they think your wishes are related to a particular treatment. However, in New York state, only a health care agent you appoint has the legal authority to make health care decisions if you are unable to decide for yourself.

When would a health care agent begin to make treatment decisions?

Your health care agent would begin to make health care decisions after doctors decide that you are not able to make health care decisions for yourself. As long as you are able to make treatment decisions, you will have the right to do so.

How will my agent make decisions?

Your agent must follow your wishes, as well as your moral and religious beliefs. You may write instructions on your Health Care Proxy form or simply discuss them with your agent.

Who pays attention to an agent?

All hospitals, nursing homes, doctors, and other health care facilities are legally required to honor the health care agent's decisions as if they were made by you. If a hospital objects to some treatment options, they must tell you or your health care agent in advance.

What if I change my mind?

It is easy to cancel the proxy, to change the person you have chosen as your health care agent, or to change any treatment instructions you have written on your Health Care Proxy Form. Just fill out a new form and make your agent (as well as your doctor, family or friends) aware of this by giving them a copy.

If you choose your spouse as your health care agent or as your alternate, and you get divorced or legally separated, the appointment is automatically cancelled.

If you make a new advance directive, destroy any previous ones including copies in doctors offices, hospitals, etc.

Can a health care agent be legally liable for health care decisions?

No. Your health care agent will not be liable for treatment decisions made in good faith on your behalf. Also, your health care agent cannot be held liable for costs of your care.

Is a Health Care Proxy the same as a Living Will?

No. A Living Will is a document that provides specific instructions about health care decisions. The Health Care Proxy allows you to choose someone you trust to make health care decisions on your behalf. Unlike a living will, a health Care Proxy does not require that you know in advance all the decisions that may arise.

Where should I keep my Health Care Proxy form after it is signed?

Give a copy to your agent, your doctor, your attorney, and any other family members or close friends you want. Keep a copy in your wallet or purse, and a copy with other important papers. Bring a copy if you are admitted to the hospital, even for minor surgery.

May I use the Health Care Proxy form to express my wishes about organ donation and/or tissue donation?

Yes. Use the optional organ and tissue donation section on the Health Care Proxy form and be sure to have the section witnessed by two people.

Can my health care agent make decisions for me about organ and/tissue donation?

No. The power of a health care agent to make health care decisions on your behalf ends upon your death.

The following can consent to organ/tissue donation and are listed in order of priority: Your spouse, a son or daughter 18 years of age or older, either of your parents, a brother or sister 18 years of age or older, a guardian appointed by a court prior to the donor's death, or any other legally authorized person.

PATIENT REPRESENTATIVE PROGRAM

The Olean General Hospital (OGH) Patient Representative Program is available to help make your hospital stay as comfortable and pleasant as possible.

Patient questions and concerns about patient's rights, and Advance Directives such as Health Care Proxies are addressed by the Patient Representative.

The Patient Representative can be reached at
716-375-6348