

Massachusetts Health Decisions

Health Care Proxy: Tips for Clinicians

Making sure that your patient has a valid Health Care Proxy:

- ensures that you'll have a legally authorized decisionmaker from whom to get informed and voluntary consents or refusals
- reduces the possibility of time-consuming conflict among members of your patient's family during a crisis
- promotes a more candid and trusting relationship between you and your patient
- encourages discussion of treatment preferences when the patient is most willing and able to do so
- protects you from liability when your patient becomes incapacitated, and consent is difficult to secure
- reduces the likelihood that you would be called to testify in a legal challenge

Many clinicians hesitate to raise the topic of a Health Care Proxy, often because they have not completed one for themselves, or most often because they fear the resulting conversation will be lengthy, awkward, or unnecessarily alarming. The solution? Do one yourself and learn what your patients may be anxious about. Second, try one of the “openers” below. Your goal is to introduce the topic when your patient is healthy and curious, perhaps during an annual visit. Your personal endorsement of the Proxy, your willingness to answer questions at a later time, and providing good written materials are all it takes. You’ve planted the seed! And it takes less than 30 seconds.

- One of the things I talk about with *all* my patients is the importance of knowing who would make health care decisions for you if—for any reason—you couldn't. Who do you think would be the best person to do that?
- Say, Sam, have you ever thought about who would make health care decisions for you if—for any reason—you couldn't? Have you talked with (that person) about that?
- Maria, I know you and Henry have been married ten years now, but do you think you'd know the kind of care he'd want if—for any reason—he couldn't speak for himself? Do you think he'd know what *you* want? Have you ever talked about such things, either with him or with other members of your family?
- Jean Louis, as you know, one of the best parts of my relationship with you is the way we work together in deciding what kind of care we both believe is best for you during an illness, whether it's a cold or something more serious. I *know* it's important to you to get the kind of care that you think is right for you. If, for some reason, you couldn't speak for yourself, it's very important that I be able to talk with someone you yourself have chosen to talk with me about the kind of care you'd want. Who do you think that would be?
- Hi, Chris. I'm glad we've have a few minutes to talk. How was your first semester at college? Good. You know, now that you're an adult, your parents—as much as they love and care about you—couldn't legally make choices for you if something ever happened and you couldn't make health care choices yourself. It's really up to you: you can choose the person you'd want me to talk with if—for any reason—you were unable to make your own health care decisions. It might be your parents, but it might be someone else. I hope you'll give this some careful thought and we can talk about it more when I see you at the end of the school year. Good luck on your finals!