

## ***Massachusetts Health Decisions***

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### **Health Care Proxy: Handout Tips**

At nonprofit Massachusetts Health Decisions, we've been publishing and passing out copies of the Health Care Proxy for 25 years. We're pleased to share some of what we've learned. You may copy this and pass it along to other people in your agency or office who may be in direct conversations with members of the public seeking copies of the Proxy.

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**SAMPLE SCRIPT:** *"Are you doing this for yourself?"*

**WHY?** Only competent adults may complete a Health Care Proxy for themselves. People cannot complete a Proxy on behalf of another person who isn't legally competent to do it for themselves.

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**SCRIPT:** *"Before you fill this out, be sure to talk with the person you intend to name as your Agent. Make sure they're willing to do what you expect them to do. And make sure they know enough about you to make the same kind of choices that you would."*

**WHY?** It's very simple to fill out a Health Care Proxy. But if the person named as substitute decisionmaker doesn't know what the principal wants, or is unwilling to serve as the legally authorized decisionmaker, then either that person will be "flying blind" and won't know what the principal would want or what the principal's express wishes are, OR will actually be an impediment to making timely and effective decisions for the principal at a critical time. It's better to have an awkward conversation now than a real stumbling block later on.

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**SCRIPT:** *"Do you have a spouse, family member or partner who might also want a copy of the Proxy?"*

**WHY?** It's more likely than not that the person asking for a copy of the Proxy knows whom they will name as Health Care Agent and will also be the Agent for that person. Suggestions? Unless you know otherwise, give out *two* copies--it saves time down the road. Either they'll need two, or they may ruin one by filling in the wrong blank, putting a name on the wrong line, or making an error in witnessing, etc.

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**SCRIPT:** *"Make sure you have two witnesses present when you sign the form."*

**WHY?** Because that's what witnesses do: watch the principal sign the document and then sign ("attest") that they have seen the principal sign the document, that the principal appeared to be a competent adult and was not pressured or forced to sign in any way.

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**SCRIPT:** *"Remember: Keep the original yourself and give only copies to your Agent, doctor, health plan, and anyone else who could be interested in your health care."*

**WHY?** Some people believe that they need multiple originals. Wrong. By law, each subsequent original automatically revokes or cancels the previous form. Citizens need only one original which they should keep in a safe place, but not in a safe deposit box where it would be difficult to access. The form does *not* have to be filed with any state agency. Photocopies have the same force and effect as the original and can be distributed to interested parties.