

Selecting Your Health Care Agent

Choosing your health care agent is a very important decision as you prepare your advance directive. The person you choose will have the power to make medical decisions for you if you are incapacitated (i.e. unable to make medical decisions for yourself). You can choose whomever you want as your agent. You can also choose one or more substitute agents to make decisions for you if your first agent is not available.

Factors To Consider When Selecting Your Health Care Agent

TRUST: The most important thing to think about as you consider whom to appoint as your agent is trust. Your agent will be your voice when you are unable to speak for yourself. You must be able to trust your agent to make the decisions you would make, not decisions they would make for themselves or decisions your family members may want.

Willingness: You should only appoint someone as your agent after you talk to the person and make sure he or she is willing to accept the commitment. It can be a big responsibility and some people may not be willing to take it on.

Availability: Given our mobile society and the connectedness we have through cell phones and electronic communication, many decisions your agent will make can be made from afar. Consultation with medical professionals can occur over the phone and documents can be sent via email and fax. However, you should think about the availability of your potential agent. Does he or she frequently travel outside the country? Does he or she frequently travel to remote places where contact through any means would be difficult? Does he or she generally answer the phone or return calls quickly?

Assertiveness: Your agent must be able to disagree with health care providers if they are not respecting your wishes. Some people are intimidated by doctors and agree with everything they say. Your agent may also have to stand up to your family—this may be difficult if you choose someone outside your family as your agent because they may need to advocate for your wishes over the wishes of your family. Choosing a family member can bring its own issues due to family dynamics. Families that may otherwise be harmonious may have very different ideas about end of life and quality of life issues. The person you choose must be able to deal with these dynamics while maintaining family relationships. Some medical decisions, especially those concerning end-of-life care, are filled with the potential for disagreement and conflict. Your

agent must be able to put your wishes first and make decisions based on those wishes, regardless of any conflict this may cause.

Differences in beliefs and values: While your agent does not need to have the same beliefs as you (religious or otherwise), he or she must be able to follow your wishes and make decisions based on your beliefs and values, not their own.

Naming More Than One Person As Your Agent

There are two ways to name more than one person as your agent, one is a good idea and one is not recommended.

- **Alternate agents:** It is a good idea to name a primary agent and one or more alternate or substitute agents. Only one agent has authority to make decisions at any given time because the primary agent has the authority unless he or she is not available or refuses to act on your behalf. In that case, your first alternate agent would have the authority to make decisions for you. You should consider all the same factors above when choosing your alternate agent(s) because they may be your primary agent any time the agent above them is unavailable or refuses to carry out the duties of an agent.
- **Co-Agents:** It is not a good idea to name more than one agent to serve at the same time. If you name co-agents and they disagree on a medical decision, neither one can act on your behalf. One reason you would write an advance directive or power of attorney is to avoid conflict and have someone make decisions for you when you can't do so for yourself. By naming co-agents, you may create the problem you were trying to avoid.

Sharing Your Wishes With Your Agent(s) And Loved Ones

In order for your agent(s) to act on your behalf, he or she needs to know what decisions you would make for yourself. You cannot possibly predict every scenario and share what decisions you would make in every situation. However, if your agent knows your beliefs, values and your definition of quality of life, he or she can better make decisions for you.

1512 Willow Lawn Drive, Suite 100
Richmond, Virginia 23230
800-552-3962 or 804-225-2042
Fax: 804-662-7057
Email: info@dLCV.org
Web: www.dLCV.org

dLCV publications are available in alternate format, upon request.