



## **New York State Health Care Proxy Guide for Agents**

### **What is a Health Care Proxy form?**

A Health Care Proxy names a person to make medical decisions if someone cannot make those decisions for themselves. In a Health Care Proxy form, there is a **principal**, who is the person who signed or executed the Health Care Proxy. The principal chooses a **health care agent** or **proxy** to make medical decisions for them.

### **I'm someone's health care proxy...**

#### ***When do I need to make medical decisions?***

The health care proxy can only make decisions if the principal is not able to make decisions for themselves. You can make any decision that the principal could have made if they were able. However, the principal can limit the decisions a proxy can make. These limits will be included in the health care proxy form.

#### ***Which decisions can I make?***

You can agree that the principal should receive treatment, choose different treatments, and reject treatments. These decisions should be based on the principal's wishes. Did the principal sign a living will? If they have a living will, follow those directions. If there is no living will and you do not know what the principal wants, you should make health care decisions in their best interests. The Health Care Proxy does not give you the power to make financial decisions (look at our Power of Attorney Guide for more information).

#### ***Can I access medical records?***

Health care proxies can access medical information and medical and clinical records necessary to make informed medical decisions. You cannot access *all* health care records, only records needed to make decisions.

#### ***What if I'm an alternate health care proxy?***

There can only be one health care proxy acting at a time. If you are named as a primary health care proxy, you are the primary person who can make medical decisions. If you are named as an alternate, you can make medical decisions if the primary person is unavailable.

#### **What if there is no health care proxy?**

If there is no health care proxy, the New York Family Health Care Decisions Act applies. In that case, the following people can make medical decisions in hospital or hospice settings: an Article 81 guardian; the spouse, if not legally separated from the patient, or the domestic partner; a child 18 years or older; a parent; a sibling 18 years or older; or a close friend.

\*\*\*This guide is for informational purposes only and does not constitute legal advice.\*\*\*