

Choosing a Healthcare Agent

Role of a Healthcare Agent

The healthcare agent that you select has the authority to make any and all decisions you would make if you were able, including:

- Choosing your doctor or other healthcare provider and where you will receive your care;
- Speaking with your healthcare team about your condition and treatment options;
- Reviewing your medical record and authorizing its release when needed;
- Accepting or refusing medical treatments, including artificial nutrition and hydration, ventilation, and CPR;
- Consenting to tissue and organ donation, authorizing an autopsy, and arranging for disposition of your body after death.

California law (AB 1029, Chapter 171, statutes of 2023) prevents your agent from consenting to placement in a mental health facility or consenting to convulsive treatment, psychosurgery, sterilization, or abortion for you.

In order for your agent to advocate for your choices and ensure your care meets your goals, it is very important that you discuss your preferences and wishes with your healthcare agent. The more you tell your agent, the better they will be able to make decisions on your behalf. Below are some tools and resources to help have these very important conversations.

Selecting Your Agent

In choosing a healthcare agent, consider if the person:

- Is legally able to serve as your agent: They must be 18 years old; may not be a healthcare provider or employed by one, unless this person is your spouse or close relative;
- Will be available when needed, either in person or by telephone or video call, possibly over a long period of time;
- Is willing to speak on your behalf;
- Knows you well and understands your values and beliefs;
- Will be comfortable asking questions of your healthcare team, particularly related to issues such as treatment options;
- Will do their best to make the healthcare decisions that you would make (whether or not they agree with you);
- Will be able to “stand up” for you, be your advocate, and handle conflict with others who might disagree with your wishes;
- Can make difficult decisions under stress.

Your agent may not be an operator or employee of a community care facility or a residential care facility where you are receiving care, or your supervising healthcare provider, or an employee of the healthcare institution where you are receiving care, unless your agent is related to you or is a coworker.

Some Tools to Help You and Your Healthcare Agent to Start Talking

- ***Finding Your Way: Medical Decisions When They Count Most*** – an easy-to-read booklet to help families and loved ones start discussions, available in English, Spanish, and Chinese.
- ***Go Wish*** – an online card game to help participants consider their end-of-life wishes. Available at codaalliance.org/.
- ***Advance Care Planning Conversation Guide*** – ideas for talking with loved ones. Download for free at CoalitionCCC.org/Tools and Resources/Advance Care Planning.
- ***The Conversation Project*** – a set of resources and guides to assist people in talking with loved ones and decision makers about their goals and preferences for medical treatment available at theconversationproject.org.

Additional Information

- It is helpful to select at least one alternate agent, since your primary agent may be unreachable or unavailable (e.g., involved in a car accident with you).
- Talk with your agent about your wishes and give them a copy of your Advance Health Care Directive.
- To avoid confusion, tell your loved ones whom you selected as your agent(s).
- If circumstances change, you may select a new agent at any time. Make sure to give your new agent a copy of the revised Advance Healthcare Directive, and tell family and friends of the change.