



## Making Health Care Decisions for Others: Responsibilities of the Health Care Agent

**We all make health care decisions based on our values and preferences. If we lose the capacity to make these decisions**, if we are somehow unable to speak for ourselves, the person we have named on our health care proxy form, the health care agent, needs to make them for us.

If you have been asked to be someone's health care agent (or surrogate), your responsibility is to make decisions for that person **as if he or she were making them**. The choices you make should reflect the attitudes, values and preferences of that person and **not your own**. This is much easier if you know the person well. Perhaps you have discussed health care concerns and wishes. Or you know there is a written record of his or her preferences that was signed before the person lost the capacity to make his or her own health care decisions.

Depending upon the information you have, you may need to take one or all of the following steps to carry out your duties as health care agent for someone else:

### Following the Patient's Wishes

You may know the patient's wishes very well, either because they were discussed explicitly with you or because they were written down. If written documents are available, review them with the health care providers involved with the patient's care. This review will help them evaluate and carry out these wishes in light of the patient's current and projected condition. Oftentimes, however, a person's previously expressed instructions are too general, and do not address the actual medical care decisions which must be made.

### Figuring Out the Patient's Wishes

In the absence of specific instructions, you must determine what kind of care the person would want if he or she were able to express it. This is called **substituted judgment**. Imagine yourself in the person's position, and try to determine how he or she would respond to the current situation. In doing this you need to take into account the patient's personality, religious beliefs, past decisions and values. Also consider what the patient might **not** want. Based on your intuition and your knowledge of the person look at the different options. Ask yourself questions such as:

- Even though this is not what was specifically instructed, would the person choose this if he or she could have anticipated this situation?
- Is this what the person would choose to do even though I know I would not choose this for myself?

### Deciding What is Best for the Patient

If you do not have written guidance about health care wishes or do not know the person well, or you know the person always avoided discussing issues regarding illness and dying, then you may be uncertain what to do. In these situations, you and the health care providers will need to make medical care decisions that you believe will best meet the needs of the patient. For example, you will need to evaluate whether the proposed medical plan will cause pain and suffering and how likely it is to make the patient better. In other words, you will have to make decisions in the patient's **best interest** as you understand it.

*Adapted with permission from "Making Health Care Decisions for Others: A Guide To Being A Health Care Proxy or Surrogate" by the Division of Bioethics, Dept. of Epidemiology and Social Medicine, Montefiore Medical Center, Albert Einstein College of Medicine, Bronx, NY. Nancy Neveloff Dubler, LLB, Principal Investigator*