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The Role of a Health Care Agent

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The Role of a Health Care Agent

A Health Care Directive allows an individual (called the “Principal”) to do two things:

1. Provide health care instructions to be followed when the Principal is in a terminal condition; and
2. Appoint a health care agent to make health care decisions for the Principal when the Principal is unable to make decisions on her/his own.

The health care agent:

- Only has authority to make health care decisions if the Principal lacks decision-making capacity, or is otherwise unable to communicate. The Principal’s doctor determines whether or not the Principal is able to make her/his own decisions.
- Has a right to receive, review and obtain copies of the Principal’s medical records.
- Must act in good faith when making health care decisions.

Principals are encouraged to have regular conversations with their named health care agent(s) about their health care wishes. Medical technologies are constantly changing. As time goes by, individuals often develop different perspectives and opinions about their medical care. If the health care agent is confident that he/she understands the Principal’s wishes, the health care agent is better able to make decisions for the Principal when the time comes.

If you have any questions about your role as a health care agent, or want more details and guidance regarding any of these items, please call or email a member of our Trust and Estate Planning team.