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## About the Health Care Proxy Form

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**The New York State Health Care Proxy Form is an important legal document.** Before signing, you should understand that:

1. This form gives the person you choose as your agent the authority to make all health care decisions for you, including the decision to remove or provide life-sustaining treatment, unless you say otherwise in this form. “Health care” means any treatment, service, or procedure to diagnose or treat your physical or mental condition.
2. Unless your agent reasonably knows your wishes about artificial nutrition and hydration (nourishment provided by a feeding tube or intravenous line), he or she will not be allowed to refuse or consent to those measures for you.
3. **Appointing a health care agent is voluntary. No one can require you to appoint one.**
4. Your agent will start making decisions for you when your doctor determines that you are not able to make health care decisions for yourself.
5. You may write on this form any examples of the types of treatments that you would not desire and/or those treatments that you want to make sure you receive. The instructions may be used to limit the decision-making power of the agent. Your agent must follow your instructions when making decisions for you.
6. You do not need a lawyer to fill out this form for you.
7. You may choose any adult (18 years of age or older), including a family member or close friend, to be your agent. If you select a doctor as your agent, he or she may have to choose between acting as your agent or as your attending doctor because a doctor cannot do both at the same time. Also, if you are a patient or resident of a hospital, nursing home or mental hygiene facility, there are special restrictions about naming someone who works for that facility as your agent. Ask staff at the facility to explain those restrictions.
8. Before appointing someone as your health care agent, discuss your health care wishes and this form with them to make sure he or she is willing to act as your proxy. If they consent, be sure to provide them with a signed copy of the Health Care Proxy form. Your health care agent cannot be sued for health care decisions made in good faith.
9. If you name your spouse as your health care proxy and you later become divorced or legally separated, your former spouse will no longer be your agency, by law. If you would like your former spouse to remain as your agent, you may note this on your current form and date it or complete a new form.
10. You have the right to continue making health care decisions for yourself as long as you are able to do so, even after you sign this form. Treatment cannot be given to you or stopped if you object and your proxy will not have any legal power to make health care decisions for you.
11. You may revoke your proxy’s authority at any time by informing your agent or health care provider verbally or in writing.
12. You may express your wishes or instructions regarding organ and/or tissue donation on this form.



## Health Care Proxy Form Instructions

### Item (1)

Write the name, home address and telephone number of the person you are selecting as your agent.

### Item (2)

If you want to appoint an alternate agent, write the name, home address and telephone number of the person you are selecting as your alternate agent.

### Item (3)

Your Health Care Proxy will remain valid indefinitely unless you set an expiration date or condition for its expiration. This section is optional and should be filled in only if you want your Health Care Proxy to expire.

### Item (4)

If you have special instructions for your agent, write them here. Also, if you wish to limit your agent's authority in any way, you may say so here or discuss them with your health care agent. If you do not state any limitations, your agent will be allowed to make all health care decisions that you could have made, including the decision to consent to or refuse life-sustaining treatment.

If you want to give your agent broad authority, you may do so right on the form. Simply write: *I have discussed my wishes with my health care agent and alternate and they know my wishes including those about artificial nutrition and hydration.*

If you wish to make more specific instructions, you could say:

*If I become terminally ill, I do/don't want to receive the following types of treatments....*

*If I am in a coma or have little conscious understanding, with no hope of recovery, then I do/ don't want the following types of treatments:...*

*If I have brain damage or a brain disease that makes me unable to recognize people or speak and there is no hope that my condition will improve, I do/don't want the following types of treatments:....*

*I have discussed with my agent my wishes about \_\_\_\_\_ and I want my agent to make all decisions about these measures.*

Examples of medical treatments about which you may wish to give your agent special instructions are listed below. This is not a complete list:

- artificial respiration
- artificial nutrition and hydration (nourishment and water provided by feeding tube)
- cardiopulmonary resuscitation (CPR)
- antipsychotic medication
- electric shock therapy
- antibiotics
- surgical procedures
- dialysis
- transplantation
- blood transfusions
- abortion
- sterilization

### Item (5)

You must date and sign this Health Care Proxy form. If you are unable to sign yourself, you may direct someone else to sign in your presence. Be sure to include your address.

### Item (6)

You may state wishes or instructions about organ and /or tissue donation on this form. New York law does provide for certain individuals in order of priority to consent to an organ and/or tissue donation on your behalf: your health care agent, your decedent's agent, your spouse, if you are not legally separated, or your domestic partner, a son or daughter 18 years of age or older, either of your parents, a brother or sister 18 years of age or older, a guardian appointed by a court prior to the donor's death.

### Item (7)

Two witnesses 18 years of age or older must sign this Health Care Proxy form. The person who is appointed as your agent or alternate agent cannot sign as a witness.



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## New York State Health Care Proxy Form

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**(1) I,** \_\_\_\_\_  
hereby appoint \_\_\_\_\_  
*(name, home address and telephone number)*

\_\_\_\_\_

\_\_\_\_\_

*as my health care agent to make any and all health care decisions for me, except to the extent that I state otherwise. This proxy shall take effect only when and if I become unable to make my own health care decisions.*

**(2) Optional: Alternate Agent**

If the person I appoint is unable, unwilling or unavailable to act as my health care agent, I hereby appoint \_\_\_\_\_  
*(name, home address and telephone number)*

\_\_\_\_\_

\_\_\_\_\_

*as my health care agent to make any and all health care decisions for me, except to the extent that I state otherwise.*

**(3)** Unless I revoke it or state an expiration date or circumstances under which it will expire, this proxy shall remain in effect indefinitely. *(Optional: If you want this proxy to expire, state the date or conditions here.)* This proxy shall expire *(specify date or conditions):* \_\_\_\_\_

\_\_\_\_\_

**(4) Optional:** I direct my health care agent to make health care decisions according to my wishes and limitations, as he or she knows or as stated below. *(If you want to limit your agent's authority to make health care decisions for you or to give specific instructions, you may state your wishes or limitations here.)* I direct my health care agent to make health care decisions in accordance with the following limitations and/or instructions *(attach additional pages as necessary):* \_\_\_\_\_

\_\_\_\_\_

In order for your agent to make health care decisions for you about artificial nutrition and hydration *(nourishment and water provided by feeding tube and intravenous line)*, your agent must reasonably know your wishes. You can either tell your agent what your wishes are or include them in this section. See instructions for sample language that you could use if you choose to include your wishes on this form, including your wishes about artificial nutrition and hydration.



**(5) Your Identification** *(please print)*

Your Name \_\_\_\_\_  
Your Signature \_\_\_\_\_ Date \_\_\_\_\_  
Your Address \_\_\_\_\_

**(6) Optional: Organ and/or Tissue Donation**

I hereby make an anatomical gift, to be effective upon my death, of: (check any that apply)

- Any needed organs and/or tissues
- The following organs and/or tissues \_\_\_\_\_
- Limitations \_\_\_\_\_

If you do not state your wishes or instructions about organ and/or tissue donation on this form, it will not be taken to mean that you do not wish to make a donation or prevent a person, who is otherwise authorized by law, to consent to a donation on your behalf.

Your Signature \_\_\_\_\_ Date \_\_\_\_\_

**(7) Statement by Witnesses** *(Witnesses must be 18 years of age or older and cannot be the health care agent or alternate.)*

I declare that the person who signed this document is personally known to me and appears to be of sound mind and acting of his or her own free will. He or she signed (or asked another to sign for him or her) this document in my presence.

Date \_\_\_\_\_ Date \_\_\_\_\_

Name of Witness 1 \_\_\_\_\_ Name of Witness 2 \_\_\_\_\_  
*(print)* \_\_\_\_\_ *(print)* \_\_\_\_\_

Signature \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_