

## Living Wills and Health Care Proxies

### What is a health-care proxy?

Under New York law an individual may appoint someone she trusts, for example, a family member or close friend, to decide about treatment if she loses the ability to decide for herself. She can do this by using a health care proxy in which she appoints her health care agent to make sure that health care providers follow her wishes. Her agent can also decide how her wishes apply as her medical condition changes. Hospitals, nursing homes, doctors and other health care professionals must follow the agent's decisions as if they were the patient's. The individual can give her health care agent as little or a much authority as she wants. She can allow the agent to decide about all health care or only certain treatments.

### What is the difference between a living will and health care proxy?

A living will is a written statement of an individual's wishes regarding medical treatment. The statement is to be followed if the individual is unable to provide instruc-

tions at the time medical decisions need to be made. The health care proxy is significantly different from the living will in that it empowers another person (the agent) to make health care decisions if the patient cannot do so herself. The living will, on the other hand, has no such provision but enables a person to express her own choices regarding medical treatment. It makes sense to utilize both a living will and a health care proxy.

### Can the health care agent be legally or financially responsible for health care decisions made on your behalf?

No. A health care agent will not be liable for treatment decisions made in good faith. The agent cannot be held liable for costs of care just because she is an agent.

### Do you have to write an advance directive?

No. Signing a living will or health care proxy is voluntary. No one can require an individual to complete either directive. ■