

Beacon Hill Byline by Mary Rogeness

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Defining the Health Care Proxy

Several of you have asked me for Massachusetts Health Care Proxies, and I have provided them to you. But before I sent the paperwork out, I looked at the forms to determine the meaning of the document. Should I complete a proxy of my own, and what effect will it have on my future if I sign it?

A Health Care Proxy is a simple, legal document that enables a patient to appoint someone they trust to make health care decisions if the patient is unable to do so. These decisions include life-saving procedures such as CPR, life-sustaining treatments such as tube feedings and respirators, as well as other procedures such as consent for surgery, blood transfusions, pain medications and other routine tests.

Acting with specified authority in accordance with MA General Laws, this person, your “agent,” can make any health care decision that you could, if you were able. He or she will make health care decisions for you according to your wishes or according to his/her assessment of your wishes, including your religious or moral beliefs. If he or she does not know what your wishes would be in a particular situation, your agent will decide based on what he or she thinks would be in your best interests. After your doctor has determined that you lack the ability to make health care decisions, if you still object to any decision made by your agent, your own decisions will be honored unless a Court determines that you lack capacity to make health care decisions.

Terri Schiavo is a name that may be familiar to many. Terri suffered severe brain damage in 1990 following a heart attack. The brain damage left her unable to care for herself so for the last 15 years she’s had a feeding tube in her mouth for nutrients and fluids. Terri did not make any decisions regarding her wishes before these injuries occurred, and for the past few years, there has been a continuing public battle in the Florida court system between her husband, who would like to take the feeding tube out, and Terry’s parents, who want the feeding tube to remain undisturbed.

We consider the loss of the ability to reason something that happens to older people, but accidents can happen at any age. Terri Shiavo is only forty-one years old, making her twenty-six when her injury occurred- an age that most of us would think immune from such tragedies. Yet her family has endured years of public agony as the case is litigated. I like to think that proxies can spare others that pain as they become widely used throughout our state.

When I began the research for this article, I had not filled out my own health care proxy, even though I had sent the form to others. But I have one now! It is signed, sealed and stored with other important papers. It will be available as added protection for me and my family if the unthinkable happens.

Health Care Proxy Forms can be found on the web at www2.mms.org/pages/ma_hcp.pdf or by contacting my office at 617.722.2100 or Rep.MaryRogeness@hou.state.ma.us.