

Health Bulletin

#67 in a series of Health Bulletins on issues of pressing interest to all New Yorkers

Who will make your medical decisions if you can't?



Protect yourself by taking simple steps now

Advance Directives



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NOW is the time to decide

Advance directives are not just for the elderly.

There are times when people — even young, healthy people — can't make their own decisions about medical care. For example:

- You are injured in an accident and arrive at the hospital unconscious.
- You are under general anesthesia for routine surgery when something unexpected happens.
- You have an illness that leaves you unable to speak, or you are comatose.

Who will speak for you?

- Friends or family members can always tell health care providers what they think you would want. **But in New York State, they cannot direct your medical care unless you appoint them in writing.**
- No one — not even your spouse — can act on your behalf unless you appoint them using the **New York Health Care Proxy** form. “Proxy” means “substitute” — a person who can act as your agent.
- The New York Health Care Proxy form is an **advance directive** that lets you express your wishes in advance.
- You can say what care you do — or do NOT — want. Your health care proxy (your agent) must follow your directions.

Gain more control over your care.

- Everyone 18 and older should have a health care agent.
- When you appoint an agent, you help your family avoid confusion and conflict. There is no doubt about who will make decisions.
- When you appoint an agent, you claim your legal right to ask for — or refuse — medical care.

- Hospitals, nursing homes, doctors and other health care providers must follow your agent's decisions as if they were your own.

How to appoint a health care agent

It's easier than many people think.

- Select an adult you trust, such as a family member or friend, as your agent on the Health Care Proxy form. You can also name an alternate agent who will take over if your primary agent is not available.
- Discuss your wishes with your health care agent. Talk about your values and beliefs.
- No one can plan for every scenario. The more your agent knows, the easier it will be for that person to make decisions for you.
- If you wish, you can use the Health Care Proxy form to write specific directions about the kind of care you want or don't want, just as you would in a **Living Will** or a **Do Not Resuscitate (DNR) Order**.
- If you like, you can simply write, "my agent knows my wishes."
- You can also use the Health Care Proxy form to give instructions about organ donation, if you wish.
- You do not need a lawyer or a notary to sign the form — just two adult witnesses.
- You can change your Health Care Proxy form or appoint a new health care agent whenever you want. Simply fill out a new form.
- The form is free and it comes with instructions.
To get one, call 311 or see More Information and Help.



What Are Advance Directives?

They are legal documents that ensure your wishes are followed if you cannot make decisions for yourself. New York State recognizes three types of advance directives:

1. New York State Health Care Proxy

- **What it does:** Lets you name a health care agent who will make decisions if you cannot make them yourself.
- **When it takes effect:** Only after two doctors decide you are not able to make your own decisions.
- **Standard New York State form?** Yes. (See **More Information.**) Give copies to your health care agent, your close family members, your doctors and others involved in your care.

2. Living Will

- **What it does:** Lets you say what care you want or don't want — at the end of life.
- **When it takes effect:** When you cannot make your own decisions, and your doctor confirms that you have an incurable condition.
- **Standard New York State form?** No. Sample forms are available. (See More Information.) You can also write special instructions on your Health Care Proxy form.

3. Do Not Resuscitate (DNR) Order

- **What it does:** Tells health care providers and emergency workers not to revive you if you stop breathing or your heart stops beating.
- **When it takes effect:** When signed by your doctor.
- **Standard New York State form?** Yes.
 - Hospitals have their own forms.
 - Anyone not in a hospital can use a "Nonhospital Order Not to Resuscitate." (See **More Information.**) Keep the form where everyone can see it.
 - If you are too sick to agree to a DNR, your health care agent or your closest family member can agree.
 - You can also write DNR instructions on your Health Care Proxy form or Living Will.

More Information and Help

- **New York City Health Department:**
www.nyc.gov/html/doh/html/hca/advance-directives.shtml or call 311 and ask for Health Care Proxy forms.
- **New York City Department for the Aging:**
www.nyc.gov/html/dfta/media/flash/eol/eol_medical_router.html or call 311.
- **New York State Department of Health:**
“Health Care Proxy –Who Will Speak for You?”
(Health Care Proxy forms and instructions available in English, Spanish, Chinese and Russian):
1-800-628-5972 or www.health.state.ny.us/professionals/patients/health_care_proxy/index.htm
 - Hospice information:
www.health.state.ny.us/facilities/hospice/
- **New York State Attorney General:**
“Planning Your Health Care in Advance,”
a 31-page guide with advance directive forms:
www.oag.state.ny.us/bureaus/health_care/pdfs/EOLGUIDE.pdf
- **Blue Cross Blue Shield Association:**
“Advance Care Planning: Compassion and Support at the End of Life,” a 20-page guide with advance directive forms. Available in English and Spanish
www.compassionandsupport.com/pdfs/about/advance_care_planning.pdf
www.compassionandsupport.org/pdfs/patients/molst/acp_spanish.pdf
- **New York Legal Assistance Group:**
www.nylag.org/index.html.

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Hospice: Care and Comfort at the End of Life

- Hospice is a service for people with terminal illness who are expected to live 6 months or less.
- It is designed to meet the physical, mental, spiritual, social and economic needs of patients and their families during the final stages of illness, dying and bereavement.
- Hospice care is given in hospitals, nursing homes, assisted-living facilities or at home.
- You or your health care agent can choose a hospice program in advance to meet your needs.
- Medicare, Medicaid and other health insurance plans often cover hospice care.



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