Memorial Sloan Kettering Cancer Center

PATIENT & CAREGIVER EDUCATION

Why You Need a Health Care Agent: Information for the LGBTQI Community

If something happens and you can't speak for yourself, who will make decisions for you?

This information describes what you can do to make sure you get the healthcare you would want if something happened to you. This includes:

- Talking with your loved ones about the care you would want if you're not able to speak for yourself.
- Choosing someone to make healthcare decisions for you if you're not able to make them for yourself. This person is called a health care agent.
- Documenting (putting into writing) your choices in a way that's recognized by the law.

Now is the time to choose someone you trust to make your healthcare decisions if you can't make them yourself.

Start Planning Today

Accidents and illness can happen to anyone at any time. That's why it's important to think about what you would want now, while you're healthy.

As a member of the LGBTQI community, you may receive support from people outside of your biological family (blood relatives). This is sometimes called your chosen family. Your chosen family are people in your life who accept and trust you, whether they're related to you by blood or not.

It's very important to choose a health care agent. If you do not have one, the law states who will make healthcare decisions for you. Your surrogate will be your closest living relative, called your next of kin. In most states, your next of kin follows this order:

1. Your spouse (the person you're legally married to).
2. Your oldest adult child who is age 18 or over.
3. Your biological parents, or your adoptive parents if you were legally adopted.
4. Your oldest sibling who is age 18 or over.

If you had a commitment ceremony but are not legally married to your partner, they are not automatically your health care agent.

Talk with Your Loved Ones

Talk with your loved ones about the care you would want if something happened to you. Try to have these talks while you're healthy, before you become seriously ill or are near the end of your life. You and your loved ones will not have to worry about making so many healthcare decisions at a time of crisis.

Talking with your loved ones can help you get the care you want if you can't

make your own decisions. It will also help to put your loved ones at ease. They will not have to guess what you would want or worry if they've made the right decision for you.

Talking with your loved ones about your wishes can help find the right person to be your health care agent. Find someone who feels comfortable making the decisions you would want, even if it's not what they would want for themselves.

Choose Your Health Care Agent

Your health care agent is someone you choose to make healthcare decisions for you. A health care agent is sometimes called a proxy, surrogate, or representative. They'll make healthcare decisions for you if you're not able to make them for yourself. If you can make them for yourself, your health care agent does not make your decisions.

Your health care agent:

- Can be a friend, family member, partner, or anyone you trust.
- Must be age 18 or older.
- Cannot be your healthcare provider.

Choosing a health care agent is an important decision that only you can make. No one can pick your health care agent for you. No one can choose themselves to be your health care agent.

It's important you choose someone who:

- Is willing to talk with you about your choices for your medical care, including treatments, tests, and surgeries.
- You trust to follow through with your choices.
- Understands your personal, religious, cultural, and ethical values and beliefs.

- Will be available to help in the future when you need them.
- Understands the role of a health care agent and is willing to be one.
- Can communicate well with others.
- Can make hard decisions.

Many people choose their spouse, partner, or another family member to be their health care agent. However, some people may not feel comfortable being a health care agent. That's why it's important to talk openly and honestly with the person before choosing them as your health care agent.

If you do not want your next of kin to make healthcare decisions for you, complete a Health Care Proxy form.

Complete a Health Care Proxy Form

A Health Care Proxy form is a short and simple legal document that names your health care agent. You can name more than 1 health care agent on the Health Care Proxy form. You can name a primary (first choice) health care agent and a secondary (second choice) health care agent. If your primary agent isn't available in an emergency, your healthcare providers can contact the second person.

After you have documented your health care agent, make copies of the form you filled out. Give a copy to all your healthcare providers, your health care agent, and your lawyer, if you have one. You should also keep a copy for yourself in a safe place. Keep track of who has a copy, because you may change your Health Care Proxy form in the future.

Make sure your loved ones and healthcare providers have all the information they need:

- Tell your loved ones about your health care agent. Ask them to be supportive of that person.

- Give your healthcare providers the name and contact information of your health care agent.
- Give your health care agent the names and contact information of your healthcare providers.

Resources to Get You Started

- CaringInfo. This organization has many resources for future planning, including a Health Care Proxy form from every state.
- State of New Jersey Department of Health. This website has general information about planning for the future and information related to New Jersey.
- New York State Department of Health. This website has general information about choosing a health care agent and information related to New York. You can get the New York Health Care Proxy form in different languages (English, Spanish, Russian, Chinese, Korean, and Haitian Creole).

If you have questions or concerns, contact your healthcare provider. A member of your care team will answer Monday through Friday from 9 a.m. to 5 p.m. Outside those hours, you can leave a message or talk with another MSK provider. There is always a doctor or nurse on call. If you're not sure how to reach your healthcare provider, call 212-639-2000.

For more resources, visit www.mskcc.org/pe to search our virtual library.

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