You Have Been Appointed the Agent (Patient Advocate) in a Medical Power of Attorney and/or Living Will.

The role of an agent is voluntary, so you are not required to serve. However, if you choose to accept the responsibility of agent, you will owe important duties and responsibilities to the principal.

If you think you will be unwilling or unable to fulfill the duties of an agent, tell the principal immediately.

Frequently Asked Questions

When does my role as agent begin?
Your legal duty begins after the patient’s physician/medical team determines that the patient lacks the mental capacity to make medical treatment decisions for him or herself.

What are my duties and responsibilities as an agent?
Your duties and responsibilities as the patient’s advocate include:

1. Obtain information about the patient from the physician/medical team by asking the following questions:
   - What is the patient’s diagnosis?
   - What is the patient’s prognosis?
   - What are the chances of the patient recovering?

2. Obtain information about the patient’s treatment options from the physician/medical team by asking the following questions:
   - What is involved with each treatment option?
   - What are the risks/benefits with each treatment option?
   - Are there short-term or long-term side effects? If so, what are they?
   - Are there alternatives to each of the treatment options? If so, what are they?
   - What will happen to the patient if the treatment option is refused?

3. Ask for the patient’s medical records.
4. Ask for consultations and second opinions.
5. Request and/or authorize the transfer of the patient to another physician or medical treatment center.

When do my duties as agent end?
Your duties end when:
   - The patient dies.
   - The patient regains the mental capacity to make medical decisions.
   - You become unable or unwilling to serve, or you have been removed as agent by a court.
   - If the patient revokes the health care directive naming you agent.

Tips for Agents

Prepare.
Learn as much as possible about the patient’s medical treatment preferences before the patient loses his or her ability to communicate them to you. Be sure you understand the following:

- What is the patient’s personal philosophy about illness, dying and death?
- What are the patient’s feeling about:
  - Life Support
  - Being in a Coma
  - Being on Artificial Hydration and Nutrition
  - Breathing through a Ventilator
  - Kidney Dialysis
  - CPR
  - Pain Control Methods
  - Who does the patient want you to consult with about medical treatment options?

Advocate on Behalf of the Patient.
- Make yourself known to the patient’s physician, medical team, and medical staff.
- Stay informed and ask questions about the patient’s current medical condition and each time it changes.

Ask for Help.
Consult a social worker or case manager. They can provide information on Medicaid rules, and the facilities and services that may be available to the patient.
**Glossary**

**Advance Health Care Directive:** Also commonly referred to as a “living will,” this document informs doctors and other health care professionals of your wishes concerning artificial life support, feeding tubes, and hydration if you ever become unable to communicate your wishes verbally.

**Agent/Patient Advocate/Health Care Agent:** A person you choose in advance to make health care decisions for you in the event that you become unable to do so.

**Incapacitated:** The state of being impaired by physical illness or disability to the extent that personal decision-making is impossible.

**Incapacity:** A mental or physical disability rendering a person incapable of managing his or her affairs.

**Living Will:** A document that informs doctors and other health care professionals about the kind of life-sustaining medical treatment you want if you become unable to communicate your wishes verbally.

**Principal:** The person who is requiring the health care agent/patient advocate to act on his or her behalf.