

Dialed In: Helping Veterans Take Control of Their Health Care

Choosing a Health Care Agent

Narrator: Hi, and welcome to *Dialed In: Helping Veterans Take Control of Their Health Care*. I'm Beth Doyle, a Veteran of the U.S. Air Force and an education specialist with the VA National Center for Ethics in Health Care. As a VA patient, you have the right to make your own decisions about your health care. But in case you become too ill to make those decisions, it's a good idea to choose someone else ahead of time, someone you know and trust, who can make them for you. That person is called a health care agent. Your health care agent acts as your legal representative when it comes to making health care decisions, if you are no longer able to make them yourself, and makes those decisions based on what *you* would want, not what *they* would want. You can name your health care agent on a VA form called an advance directive. Lucy Potter is an ethics policy specialist with the National Center for Ethics in Health Care and a licensed social worker.

Potter: If you can't make your health decisions for yourself, your health care agent will make all health care decisions for you. This includes working with your doctors to make decisions about admitting or discharging you from the hospital or another health care institution, and starting or stopping any type of treatment. Your agent also has the right to access your personal health information, including your medical records.

Narrator: Because your health care agent may have to make difficult decisions about your care, it's important to consider your choice very carefully.

Potter: A good health care agent is someone who knows you well, who you trust to understand your values, and who would act according to your wishes. A good agent should also be someone who can understand new information and make good decisions under stress. So, when you think about who you want to be your health care agent, ask yourself some questions. Who in my life cares about me? Who do I trust? Who knows me well? Who would be there for me when I need them?

Narrator: If you have a health care agent in mind, it's a good idea to contact them and discuss their role. Dr. Robert Pearlman, a physician with the VA National Center for Ethics in Health Care, suggests some important questions to ask your prospective agent.

Pearlman: One is, do they feel comfortable doing it? Another is, would they be available? And a third is, can they represent your values and preferences even if they conflict with their own? And a fourth is, are they comfortable actually speaking up to health care providers to represent your wishes as best they can?

Narrator: If the person you choose agrees to be your health care agent, the next step is to make sure they truly understand your values and preferences. Paul Tompkins is a U.S. Air Force Veteran and a program analyst with the National Center for Ethics in Health Care.

Tompkins: My wife and I talked at length about it. We've been married for 36 years, and we know each other's needs and desires and wants and fears. We talked about all those things, and then we used those as a basis for completing our advance directives. It was very helpful to speak about it together and work on the process together, so that not only was it on paper, but we knew each other's hearts before we actually put it down on paper.

Narrator: If a time comes when you can't make decisions for yourself and you *haven't* named a health care agent, your doctors will identify the person who can make your health care decisions for you. That person is called your surrogate. In VA, your surrogate will be chosen based on a standard list called the "hierarchy of surrogates." If the person at the top of the list isn't available, then your doctors will seek out the next person on the list, and so on, until they identify someone who can act as your health care decision maker.

Potter: Your health care agent, if you've chosen one, is always at the top of the list. If you have a court-appointed legal or special guardian, that person comes next. Then comes your next of kin, in the following order: legal spouse, adult child, parent, sibling, grandparent, adult grandchild, and then finally, a close friend.

Narrator: It's important to know that among your next of kin, age and gender have no effect in figuring out who will be your decision maker.

Potter: Say your doctor goes to your next of kin to make decisions about your health care. If you don't have a spouse, your doctor will contact the next person on the list, your adult child. But say you have two or more adult children. The oldest one does *not* have more authority to make decisions than the younger ones do. Nor does a brother have more authority than a sister. They all have equal standing in the VA hierarchy.

Narrator: This is a good example of why it's helpful to name a health care agent. When two or more people have the power to make important health care decisions for a loved one, the situation can become difficult and confusing very quickly. But if you've already selected a health care agent, you can be sure that the one person who knows you *best* is making decisions about your health care. Plus, your family will know exactly who you want to make decisions for you. This is especially important when more than one person is at the same level in the hierarchy.

Potter: When you fill out your advance directive, you'll see that you can name an alternate health care agent, in case your first selection is unavailable or unwilling. Make sure you talk with your alternate agent about your health care preferences and wishes, the same as you did with your first choice.

Narrator: Finally, make sure you have contact information for your health care agent and alternate agent if you have one, including phone numbers and addresses, and write that information in your advance directive. To learn more about the process of choosing a health care agent, or to download a VA advance directive, visit http://www.ethics.va.gov/for_veterans.asp. *Dialed In* is produced by the Department of Veterans Affairs National Center for Ethics in Health Care.