PATIENT ADVOCACY & ADVANCE DIRECTIVES

# Healthcare Surrogate Guide

A comprehensive handbook on selecting, designating, and empowering your medical proxy to make informed healthcare decisions when you cannot speak for yourself.

## 1. Why Designate a Healthcare Surrogate?

Life is inherently unpredictable, and severe medical emergencies can arise without warning. A healthcare surrogate—also referred to as a healthcare proxy or medical agent—is an authorized adult chosen by you to advocate for your medical preferences and make critical treatment choices if an illness or accident leaves you temporarily or permanently incapacitated.

### Certainty & Peace of Mind

Appointing a proxy ensures your deeply held values, spiritual convictions, and personal philosophy regarding treatments and quality of life are faithfully defended in clinical settings.

### Preventing Family Distress

Without an explicit designation, relatives and physicians may face contentious disputes or court-appointed guardianships, often resulting in care delays and unintended interventions.

## 2. Essential Qualities in a Decision-Maker

The ideal surrogate is not necessarily your oldest child or closest relative. Choose someone possessing the psychological maturity, ethical rigor, and emotional composure to manage high-stakes clinical discussions.

### Trustworthiness

Deep, unwavering loyalty to uphold your directives—even when facing differing family opinions or emotional strain.

### Clear Communication

Willingness to ask physicians hard questions, request second opinions, and articulate clinical choices with precision.

### Calm Under Pressure

Ability to resist panic in acute hospital environments and focus systematically on evidence and your expressed goals.

### Values Alignment

Thorough familiarity with your comfort care thresholds, spiritual beliefs, and preferences regarding life-sustaining support.

### Availability

Physical proximity or immediate accessibility by phone to participate in clinical rounds and emergency bedside consultations.

### Objective Advocacy

The fortitude to separate what they personally might desire for you from what you explicitly instructed them to carry out.

## 3. Who Can Serve as Your Surrogate?

In general, any competent adult age 18 or older can serve in this capacity. Common candidates include:

- Spouse, domestic partner, or long-term companion
- Adult children who demonstrate mutual understanding and cooperation
- Siblings, extended family members, or lifelong trusted friends

**Important Legal Restriction:** In many jurisdictions, employees of your treating healthcare facility or clinic cannot serve as your surrogate unless they are related to you by blood, marriage, or legal adoption. Always verify jurisdictional guidelines.

IMPLEMENTATION ROADMAP & LEGAL SCOPE

# Action Protocol & Authority Boundaries

## 4. Six Steps to Formalizing Your Designation

1. **Hold Open, Unrushed Conversations:** Discuss real scenarios—such as ventilator support, dialysis, aggressive interventions, and palliative hospice care. Verify that your candidate feels willing and capable of accepting the responsibility.
2. **Appoint a Primary and an Alternate:** Select one primary decision-maker rather than naming co-agents, which can lead to deadlocks. Name a successor proxy if the primary agent is indisposed.
3. **Execute Durable Power of Attorney for Healthcare:** Complete your state's statutory medical proxy form. Ensure proper witnessing and notarization in compliance with state-mandated legal thresholds.
4. **Consult Healthcare & Legal Counsel:** Review documents with your primary physician to verify clinical clarity, and consult an elder law or estate attorney to ensure statutory compliance.
5. **Distribute Certified Copies:** Provide physical and digital copies to your surrogate, alternate agent, hospital system records, and primary care provider. Inform family where originals are stored.
6. **Conduct Regular Reviews:** Revisit your documents after major life milestones—marriage, divorce, diagnosis of chronic conditions, or death of a named surrogate—to keep appointments current.

## 5. Powers, Authority & Legal Boundaries

### What a Surrogate CAN Decide

- Approve or decline medical tests, surgeries, medications, and treatments.
- Select or change attending physicians, specialists, and care facilities.
- Access protected medical records under HIPAA authorizations.
- Carry out decisions regarding anatomical gifts, organ donation, and autopsies.

### Clear Boundaries & Limitations

- Authority activates ONLY when licensed physicians certify your incapacity.
- The surrogate must execute substituted judgment based on your known wishes.
- No authority over finances, real estate, banking, or estate wills.
- Any decision contradicting an explicit Living Will clause is legally invalid.

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This handbook provides educational guidance and is not a substitute for formal legal or medical advice. Consult qualified counsel and healthcare providers in your jurisdiction to execute binding statutory instruments. Current edition: September 2026.