

Health Care Proxy: A Guide for Catholics

Advances in medical technology, recent court rulings and emerging political trends have brought with them a number of life-and-death choices which many have never before considered. The looming prospect of legalized physician-assisted suicide is one such choice which severely erodes the inherent value and dignity of human life.

The much-publicized efforts of certain doctors to provide carbon monoxide poisoning or prescribe lethal drugs for their terminally ill patients constitute euthanasia. So may the removal of certain life-sustaining treatments from a patient who is not in a terminal condition. Euthanasia and willful suicide, in any form, are offenses against life; they must be rejected.

Unfortunately, those who advocate euthanasia have capitalized on the confusion, ambivalence and fear which people feel regarding serious illness, death, and the use of modern life-prolonging technologies. People faced with these difficult dilemmas should be made aware that there are morally-appropriate, life-affirming legal options available to them.

One such option, for Catholics and others, can be a "health care proxy." New York State law allows you to appoint someone as your agent to make health care decisions for you in the event you lose the ability to decide for yourself. This appointment is executed by means of a "health care proxy" form, a model for which is enclosed.

A health care proxy can be a morally and legally acceptable means of protecting your wishes, values and religious beliefs when faced with a serious illness or debilitating accident. Accordingly, for persons wishing to execute health care proxies, we offer the following instruction and guidance from the authoritative teachings and traditions of the Catholic faith.

THE PROXY LAW

The intent of the health care proxy law is to allow adults to delegate their God-given, legally-recognized right to make health care decisions to a designated and trusted agent. The law does not intend to encourage or discourage any particular health care treatment. Nor does it legalize or promote euthanasia, suicide or assisted suicide.

The health care proxy law allows you, or any competent adult, to designate an "agent," such as a family member or close friend, to make health care decisions for you if you lose the ability to decide for yourself in the future. This is done by completing a health care proxy form. You do not need an attorney to execute this form. Your proxy must simply be signed and dated in the presence of two witnesses, who must also sign the document.

You...

- have the right to make all of your own health care decisions while capable of doing so. The proxy only becomes effective when and if you become incapacitated through illness or accident.
- have the right to challenge your doctor's determination that you are not capable of making your own medical decisions.
- CAN give special instructions about your medical treatment to your agent and can forbid your agent from making certain treatment decisions. To do so, you simply need to communicate your wishes, beliefs and instructions to your agent. Instructions about any specific treatments or procedures which you desire or do not desire under special conditions can also be written in your proxy.
- can revoke your health care proxy or the appointment of your agent at any time while competent.
- may not designate as your agent an administrator or employee of the hospital, nursing home or mental hygiene facility to which you are admitted, unless they are related by blood, marriage or adoption.

Your agent...

- can begin making decisions for you only when your doctor determines that you are no longer able to make health care decisions for yourself.
- may make any and all health care decisions for you, including treatments for physical or mental conditions and decisions regarding life-sustaining procedures, *unless* you limit the power of your agent.
- will *not* have authority to make decisions about the artificial provision of nutrition and hydration (nourishment and water through feeding tubes) unless he or she clearly knows that these decisions are in accord with your wishes about those measures.
- is protected from legal liability when acting in good faith.
- must base his or her decisions on your wishes or, if your wishes cannot be reasonably ascertained, in your "best interests." The agent's decisions will take precedence over the decisions of all other persons, regardless of family relationships.
- may have his or her decision challenged if your family, health care provider or close friend believes the agent is acting in bad faith or is not acting in accord with your wishes, including your religious/moral beliefs, or is not acting in your best interests.

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CONSIDERATIONS FOR ALL PEOPLE FROM CATHOLIC TEACHING

Roman Catholic teaching celebrates life as a gift of a loving God and respects each human life because each is created in the image and likeness of God.

It is consistent with Church teaching that each person has a right to make his or her own health care decisions. Further, a person's family or trusted delegate may have to assume that responsibility for someone who has become incapable of making their decisions.¹ Accordingly, it is morally acceptable to appoint a health care agent by executing a health care proxy, provided it conforms to the teachings and traditions of the Catholic faith.

While the health care proxy law allows us to designate someone to make health care decisions for us, we must bear in mind that life is a sacred trust over which we have been given stewardship. We have a duty to preserve it, while recognizing that we have no unlimited power over it. Therefore, the Church encourages us to keep the following considerations in mind if we decide to sign a health care proxy.



1. As Christians, we believe that our physical life is sacred but that our ultimate goal is everlasting life with God. We are called to accept death as a part of the human condition. Death need not be avoided at all costs.
2. Suffering is “a fact of human life, and has special significance for the Christian as an opportunity to share in Christ’s redemptive suffering. Nevertheless there is nothing wrong in trying to relieve someone’s suffering as long as this does not interfere with other moral and religious duties. For example, it is permissible in the case of terminal illness to use pain killers which carry the risk of shortening life, so long as the intent is to relieve pain effectively rather than to cause death.”²
3. Euthanasia is “an action or omission which of itself or by intention causes death, in order that all suffering may in this way be eliminated.”³

“[Euthanasia] is an attack on human life which no one has a right to make or request.”⁴
4. “Everyone has the duty to care for his or her own health and to seek necessary medical care from others, but this does not mean that all possible remedies must be used in all circumstances. One is not obliged to use ‘extraordinary’ means – that is, means which offer no reasonable hope of benefit or which involve excessive hardship.”⁵

5. No health care agent may be authorized to deny personal services which every patient can rightfully expect, such as appropriate food, water, bed rest, room temperature and hygiene.⁶
6. The patient’s condition, however, may affect the moral obligation of providing food and water when they are being administered *artificially*. Factors that must be weighed in making this judgment include: the patient’s ability to assimilate the artificially provided nutrition and hydration, the imminence of death and the risks of the procedures for the patient.

While medically-administered food and water pose unique questions, especially for patients who are permanently unconscious, decisions about these measures should be guided by a presumption in favor of their use.

They must never be withdrawn in order to cause death. They may be withdrawn if they offer no reasonable hope of maintaining life or if they pose excessive risks or burdens.⁷

7. Life-sustaining treatment must be maintained for a pregnant patient if continued treatment may benefit her unborn child.⁸

Such principles and guidelines from our Christian heritage should guide Catholics and others as they strive to make responsible health care decisions and execute health care proxies. They should also guide Catholic health care facilities and providers in deciding when to accept and when to refuse to honor an agent’s decision.

¹ See Declaration on Euthanasia, Sacred Congregation for the Doctrine of the Faith, May 5, 1980, n.IV.

² Guidelines for Legislation on Life-Sustaining Treatment, National Conference of Catholic Bishops Administrative Committee, November 10, 1984.

³ Declaration on Euthanasia, Sacred Congregation for the Doctrine of the Faith, May 5, 1980, N.II.

⁴ Guidelines for Legislation on Life-Sustaining Treatment, National Conference of Catholic Bishops Administrative Committee, November 10, 1984.

⁵ Ibid.

⁶ See Chapter 752 of the Laws of New York State (1990), Section 1.

⁷ Nutrition and Hydration: Moral and Pastoral Reflections, National Conference of Catholic Bishops’ Committee on Pro-Life Activities Resource Paper, April 1992.

⁸ See Guidelines for Legislation on Life-Sustaining Treatment, National Conference of Catholic Bishops Administrative Committee, November 10, 1984.

Health Care Proxy

I, _____ hereby appoint
Name of Person Appointing the Health Care Agent

**Name and Address
of Health Care
Agent Being Appointed**

Name: _____

Address: _____ Phone: (____) _____

City/State/Zip: _____

as my health care agent to make any and all health care decisions for me, except to the extent I state otherwise. This health care proxy shall take effect only in the event I become unable to make my own health care decisions. If the person I have appointed above is unable, unwilling or unavailable to act as my health care agent, I hereby appoint:

**Alternate
Health Care
Agent**

Name: _____

Address: _____ Phone: (____) _____

City/State/Zip: _____

[You may wish to state instructions or wishes to guide your agent, or even to limit your agent's authority. If you choose to state instructions, wishes, religious/moral beliefs, or limits, please do so below. **Note:** Unless your agent knows your wishes about artificial nutrition and hydration (feeding tubes), your agent will not have authority to make decisions about artificial nutrition and hydration.] I direct my agent to make health care decisions in accord with the instructions below, or as he/she otherwise knows.

My Wishes and Instructions:

I understand that, unless I revoke it, this proxy will remain in effect indefinitely or until the date or occurrence of the condition I have stated below. (Complete the following if you do not want this health care proxy to be in effect indefinitely, stating the date on which or describing the conditions under which the proxy will expire.)

This proxy appointment shall expire:

Signature: _____

Today's Date: _____

Address: _____

City/State/Zip: _____

Witnesses (18 years or older): I declare that the person who signed or asked another to sign this document is personally known to me and appears to be of sound mind and acting willingly and free from duress. He or she signed (or asked another to sign for him or her and that person signed) this document in my presence. I am not the person appointed as agent by this document.

Witness #1 Signature: _____

Witness #2 Signature: _____

Address: _____

Address: _____

City/State/Zip: _____

City/State/Zip: _____

SOME USEFUL INFORMATION

Your Health Care Providers

- Neither your health professional nor your health care facility is required to honor your agent's decision if it is contrary to their religious beliefs or sincerely held moral convictions. In such event, you would likely be transferred to another facility/health professional willing to honor your agent's decision.
- One doctor may not act as your attending physician and your agent at the same time.
- Both your health care professional and health care facility are protected from legal liability when acting in good faith.

Certain Medical Treatments

It is important for you to be confident that decisions about treatments will be morally correct. While decisions about the following procedures may be difficult and sensitive, Catholic teaching offers assistance and guidance in these areas. For example, both procured abortion and sterilization are prohibited by Church teaching.

You and your agent should consult with a priest, other spiritual advisor, parish staff or Catholic health care provider regarding any of these procedures about which you may have concerns or desire further clarification on Church teaching. Specific instructions about any of them should be fully discussed with your agent and written in the box marked "Wishes and Instructions" on the proxy form.

artificially-provided respiration
artificially-provided nutrition and hydration
(nourishment & water by feeding tube)
cardiopulmonary resuscitation (CPR)
antipsychotic medication
electric shock therapy
psychosurgery

dialysis
transplantation
blood transfusion
organ donation
abortion
sterilization

Guidelines for Using This Proxy Form

Read the form carefully before filling it out. Before completing it, you may wish to discuss with a doctor or other health professional the types of health care decisions that your agent may be called upon to make for you.

The health care proxy form will remain valid indefinitely unless you set an expiration date or condition for its expiration. This section is optional and should be filled in only if you want the proxy to expire.

Your proxy form must be dated and signed by you in the presence of two witnesses who must also sign your proxy. Your agent may not be a witness. An attorney is not necessary for the signing of the document, nor is it necessary for the document to be notarized.

Photocopies of your signed proxy form should be made. The original should be kept by the person you have appointed as your health care agent. You should keep a copy and share copies with your family members, doctor, and/or other health care professional, close friends, attorney, pastor/priest/other spiritual advisor, or anyone else who should be aware of your wishes.

Upon entering a hospital, nursing home or other health facility, you will be asked to provide a copy of the proxy form you have executed.

