

Reasons to consider why you might choose to have your proxy/agent's authority begin immediately:*

Note: As long as you possess the mental capacity to make medical decisions, you can always veto what your agent/proxy decides; hence, there is no disadvantage to the “immediately” option. There are however five advantages to empowering your proxy immediately:

A) You can learn how your proxy tends to make medical decisions on your behalf. If you are not satisfied and you are still competent, you can remove him or her and designate another person to be your first choice proxy. For example, you might discover that your proxy imposes his or her values instead of being the champion of yours, or that he or she gets into powerseeking conflicts with your physicians that do not seem to resolve.

B) Your proxy can learn about the specific duties and obligations of serving in the role of proxy. This can be very important for individuals who have never before served as a proxy, which is often the case when relatives are designated as proxies. Better to learn without the stress of urgently needing to make a critical life-determining decision.

C) It is less of a hurdle for your proxy to learn about your current medical condition by obtaining your medical records and by speaking to your doctors, since HIPAA privacy rules would not restrict your proxy's access to them.

D) You may save critical time as well as some expense and possible controversy, which might even escalate to court hearings, by avoiding the requirement to establish that you have lost decision-making capacity.

E) Your energy and even your capacity to make medical decisions may fluctuate frequently during an illness (for example, if your temperature goes up and down, dramatically), and you may feel overwhelmed by the challenges of obtaining the best possible medical care, even though for some parts of some days, you can still make your own medical decisions. In such cases, you may find it very helpful to have a caring person serve as your collaborating advocate, which the “effective immediately” option permits.

* Excerpted from **The *BEST WAY* to Say Goodbye: A Legal Peaceful Choice at the End of Life**, page 404, by **Stanley A. Terman, Ph.D., M.D.** (Life Transitions Publications, 2007.