

## What is a health care representative?

A health care representative is appointed to carry out the health care decisions and preferences of the person making the appointment if that person unable to give informed consent. A health care representative can accept or refuse any treatment, service or procedure used to diagnose or treat physical or mental condition, except as otherwise provided by law. A health care representative makes decisions stated in the advance directive. In addition, a health care representative can make decisions based on discussions about individual preferences if the advance directive does not clearly address them.

### A health care representative cannot consent to:

- Commitment to a psychiatric facility;
- Therapy which causes convulsions (this includes electroconvulsive therapy, also known as E.C.T.);
- Psychosurgery; and
- Restrictive procedures (this includes restraint and antipsychotic medication).

**A health care representative cannot ask a judge for an order for any of these things if they conflict with the Advance Directive for Health Care.**

### CT Legal Rights Project can:

- Provide legal advice and answer questions about advance directives and health representatives;
- Represent clients completing all or part of an advance directive;
- Keep advance directives on file and send yearly reminders to review;
- Change, update, and/or revoke an advance directive; and
- Represent clients whose advance directives are not followed by a health care provider.

**For more assistance contact  
Connecticut Legal Rights  
Project, Inc.  
Toll Free 1-877-402-2299  
TTY 860-262-5066  
[www.clrp.org](http://www.clrp.org)**

*Connecticut Legal Rights Project, Inc., is a statewide non-profit agency which provides legal services to low income persons with mental health conditions, who reside in hospitals or the community, on matters related to their treatment, recovery, and civil rights.*

**This flyer provides general information, not legal advice. For answers to specific individual questions, call CLRP.**

### Advance Directives Flyers

Basics of Advance Directives for Health Care  
Choosing A Health Care Representative  
How To Be An Effective Health Care Representative  
July 2016



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LEGAL  
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PROJECT, INC.

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## ADVANCE DIRECTIVES FOR HEALTH CARE

## HOW TO BE AN EFFECTIVE HEALTH CARE REPRESENTATIVE



**An ADVANCE DIRECTIVE is a legal document that protects health care preferences when an individual is unable to express them.**

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**LEGAL REPRESENTATION FOR PEOPLE WITH  
MENTAL HEALTH CONDITIONS**

**AN EFFECTIVE HEALTH CARE REPRESENTATIVE MUST:**

- **Understand and carry out the decisions in the advance directive and/or known preferences.** This requires the health care representative to be familiar with the decisions in the document, as well as discussing treatment options and scenarios with the person making the appointment to understand general and specific preferences.
- **Review the advance directive document at least every year.** Maintain frequent contact and open communication with the person making the appointment.
- **Get a new release of medical information every year.**
- **Notify the person who made the appointment right away if there are changes that affect his or her capacity or willingness to serve as health care representative.**



- **Remember a health care representative's authority starts only after the attending doctor has decided that the person who made the advance directive is not capable of giving informed consent to medical treatment.** Unless this happens, the person will make his/her own decisions about medical treatment.
- **Notify medical staff.** Notify medical staff about his or her appointment as soon as it appears that intervention may be needed.
- **Respectfully assert the right to a full explanation.** A signed release prepared with the advance directive can be used to access health care information, and to have questions answered.
- **Be calm and polite while being firm and persistent.**

- **Contact CT Legal Rights Project.** If there are any problems obtaining information or having the preferences in the advance directive followed, contact CT Legal Rights Project right away.
- **Keep records of all contacts.** Note the following items: date, time, type of contact, (i.e., meeting, telephone call), names and positions of people contacted, and the outcome of all conversations. Take notes about discussions regarding health care preference. Keep all papers, documents and notes together in one place, such as a folder or box.
- **Get it/put it in writing.** Ask for written confirmation of any decision or agreement reached and write a confirming letter.
- **Follow up.** Verify that appropriate action was taken, and monitor the situation until the person can give informed consent.

