

# Health Care Proxy

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## Related Services

Estate Planning  
Advance Directives  
Asset Protection  
Estate Litigation  
Fiduciary Services  
Health Care Proxy  
Last Will & Testament  
Power of Attorney  
Special Needs Trust  
Trust Administration  
Trusts

## Overview

### Your Healthcare Voice, Protected

Most people assume their spouse or adult child can automatically make medical decisions for them if they become incapacitated. Under Massachusetts law, that assumption is wrong. Without a properly executed health care proxy, no family member has legal authority to direct your medical treatment, access your records, or speak with your physicians. The result is often a costly guardianship proceeding in Probate and Family Court at the worst possible moment.

A health care proxy is not limited to terminal illness or end-of-life scenarios. Any medical situation that prevents you from communicating decisions can trigger the need for a designated healthcare agent. A healthcare proxy lawyer helps ensure this document is in place before a crisis arises. Cohen Cleary helps individuals across Massachusetts and Rhode Island create health care proxies that are properly executed, clearly drafted, and integrated with broader planning goals.

## How We Help Clients Create Health Care Proxies

We tell our clients that a health care proxy is not a form to fill out and file away. It is a legal instrument that designates someone you trust to make potentially life-altering medical decisions when you cannot communicate those decisions yourself. The quality of the document and the preparation behind it matter.

Our attorneys guide clients through the health care proxy process. We help you evaluate your healthcare agent, considering their temperament under pressure, their proximity, and their willingness to advocate with medical providers. We draft the proxy to comply with Massachusetts statutory requirements, including proper witness execution and the competency language the statute demands. We also address HIPAA authorization, ensuring your agent can access your medical records and communicate with your treatment team without delay.

Every health care proxy we prepare includes an alternate agent designation. If your primary agent is unavailable when a medical decision arises, the alternate steps in immediately without court involvement.

A health care proxy without a conversation is almost as problematic as no proxy at all. The document handles healthcare agent designation, but if that person does not understand your values and preferences, they are guessing under pressure in the worst possible circumstances. We encourage every client to have a substantive conversation with their agent before signing.

## Why Clients Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every

matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

### Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

### Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

### Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

### Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

### Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our estate planning work, this approach helps clients build healthcare decision-making structures that hold up under real-world pressure with clarity, efficiency, and confidence.

## Health Care Proxy Execution and Integration

Massachusetts General Laws Chapter 201D governs health care proxies and imposes specific execution requirements that generic healthcare proxy forms frequently fail to satisfy. The proxy must be signed in the presence of two adult witnesses, neither of whom may be the designated healthcare agent. The document activates when the attending physician determines that the principal lacks the capacity to make or communicate healthcare decisions. Hospital-provided forms may meet basic statutory thresholds, but they rarely address agent selection guidance, HIPAA authorization, or coordination with the client's broader estate plan. Our attorneys ensure every proxy we draft meets these standards and integrates with the client's advance directives and power of attorney so that all instruments work together rather than creating gaps or contradictions.

## Serving Clients Across Massachusetts and Rhode Island

Cohen Cleary prepares health care proxies for clients throughout Massachusetts and Rhode Island from offices in [Taunton](#) and [Plymouth](#), serving clients across Bristol County, Plymouth County, and the South Shore. Our estate planning attorneys bring familiarity with:

- Massachusetts statutory requirements under Chapter 201D, including execution formalities and witness standards
- Coordination between health care proxy, advance directive, and HIPAA authorization documents
- Rhode Island healthcare decision-making law and cross-border planning considerations for clients with connections to both states
- Regional healthcare systems and hospital policies across southeastern Massachusetts and greater Boston

## Schedule a Consultation With a Massachusetts Health Care Proxy Attorney

If you do not have a health care proxy, or if your existing proxy needs updating, contact Cohen Cleary to schedule a consultation. Our attorneys will review your situation, discuss your healthcare preferences and agent selection, and prepare documents that integrate with your estate plan.

## Frequently Asked Questions About Health Care Proxies

### What is the difference between a health care proxy and a power of attorney?

A health care proxy designates someone to make medical decisions on your behalf. A power of attorney designates someone to handle financial and legal matters. Some states use a single instrument called a medical power of attorney, but Massachusetts treats these as separate documents. One person can serve in both roles, but the authority comes from two distinct instruments.

### When does a health care proxy take effect?

A Massachusetts health care proxy activates when your attending physician determines that you lack the capacity to make or communicate healthcare decisions. Until that determination is made, you retain full authority over your own medical care. The proxy does not give your agent any authority, while you can make decisions yourself, and it can be revoked at any time while you have capacity.

### Do I need a health care proxy if I am married?

Yes. Massachusetts law does not automatically grant a spouse the right to make medical decisions for an incapacitated partner. Without a health care proxy, your spouse may need to petition the Probate and Family Court for guardianship authority, a process that can take weeks or longer. A health care proxy eliminates this delay and ensures your chosen person has immediate legal authority when a medical decision cannot wait.

### Can I include specific medical instructions in my health care proxy?

A health care proxy can include general guidance for your agent, but detailed medical instructions are more appropriately documented in a separate advance directive. We recommend creating both documents together. The health care proxy designates who makes decisions; the advance directive communicates what you would want decided. Together, these documents provide both the authority and the guidance needed for effective healthcare

decision-making.