

New Law Makes it Easier for People with Developmental Disabilities to Appoint a Health Care Agent

A 2005 change to the Vermont law on health care decision-making makes it easier for a person with developmental disabilities to appoint a health care agent.

The new law says that a person is considered to have the *capacity* to appoint a health care agent if the person:

- Has a basic understanding of what it means to have another individual make health care decisions for oneself;
- Has a basic understanding of who would be an appropriate individual to make those decisions; and
- Can identify the individual he or she wants to make health decisions.

Many people with developmental disabilities know what person they trust to make their health care decisions even if they are not able to articulate detailed advance directives.

DDAS has drafted a simplified form to assist individuals who simply want to appoint a health care agent. To be a valid document, the information on the first page of the form must be explained to the individual, and it must be witnessed as indicated. If the individual is in a hospital or nursing home, special witnessing requirements apply, and this form should not be used.

The form provides a space for an individual to provide simple personal instructions about future health care decisions. If the individual wishes to give detailed instructions, it is advisable to use the forms developed by the Vermont Ethics Network, www.vtethicsnetwork.org.

The health care agent, once appointed, can let the individual continue to make any decisions he or she wishes to make.