

Health Care Proxies and Guardians: Understanding the Difference and Impact on Your Provider-Patient Relationship

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Speaker Disclosure Statement

I do not have any relevant financial relationships with any commercial interests

Learning Objectives

- (1) Outline the legal principals underlying the right to make our own medical decisions
- (2) Explain the differences between healthcare surrogates who are selected by the patient versus appointed by a court
- (3) Discuss how to recognize when a patient needs a healthcare surrogate and how to obtain one

Legal Principals Underlying the Right to Make Medical Decisions

- (1) General Rights
- (2) Constitutional Rights
- (3) History of Medical
Rights of the
Incarcerated



Power of Attorney/Proxy v. Appointed Guardian

POA/Guardian



Appointed Guardian



Patient Grants Power of Attorney to Proxy



Patient
Competent

Correct
Form
Completed

Paperwork
Confirmed

Process for Changing/Terminating Proxy



Patient
Decision



Proxy
Decision



Court
Decision



Process for Changing Proxy: Patient Decision

Patient is Competent

Correct Termination Paperwork

Future Medical Decisions

Process for Changing Proxy: Proxy Decision

Patient is Competent

Patient Agrees/Disagrees

Future Medical Decisions

Process for Changing Proxy: Court Decision

Patient not Competent

Petition and Proof

Court Decision

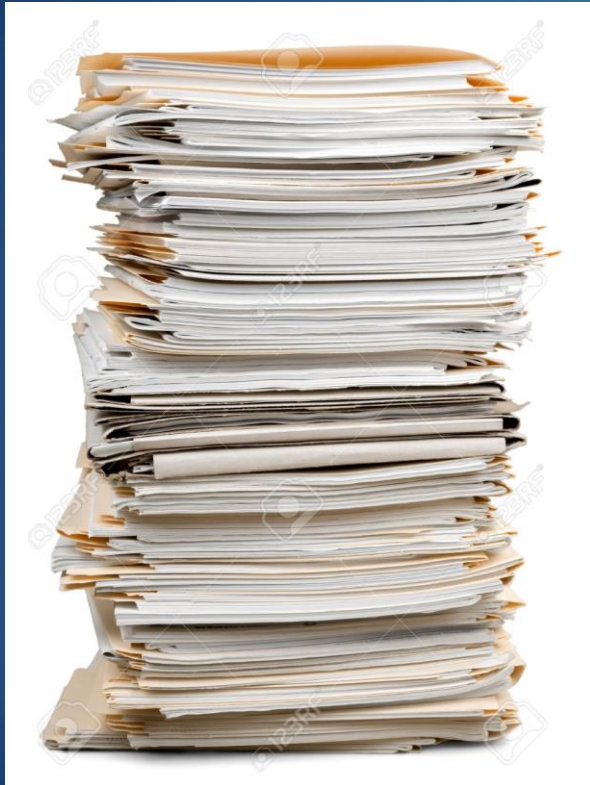
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WHO: State statutes prioritize family members; Court can appoint anyone; use of pro bono panels



Court Process to Obtain Healthcare Guardian

Petition and Support



Trial and Decision



Court Process to Obtain Guardian: Proof Required



Express
Choice

Understand
Information

Compare
Risks and
Benefits

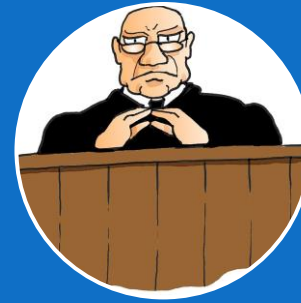
Court Process to Obtain Guardian: Trial and Decision



Petitioner
Case



Patient
Response



Court
Order



Guardianship Trial: Petitioner's Case

Patient not Competent

Guardian in Patient's Best Interest

Pending Medical Decisions

Guardianship Trial: Patient Response

Patient is Competent

Guardian not in Patient's Best Interest

No Important Pending Medical Decisions

Guardianship Trial: Court Order

Ruling on Competency

Selection of the Guardian

Scope and Duration

Interaction With Proxy or Guardian

Obtaining Consent



Patient's Rights



Interaction with Proxy/Guardian: Obtaining Consent




Written
Consent

Oral
Consent

Changes

Interaction with Proxy/Guardian: Patient Rights





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