

National Guardianship Association

Standards of Practice

<https://www.guardianship.org/wp-content/uploads/2017/07/NGA-Standards-with-Summit-Revisions-2017.pdf>

NGA Standard 14 – Decision-Making About Medical Treatment

I. The guardian shall promote, monitor, and maintain the health and well-being of the person under guardianship.

II. The guardian shall ensure that all medical care for the person is appropriately provided and that the person is treated with dignity.

III. The guardian shall seek to ensure that the person receives appropriate health care consistent with person-centered health care decision-making.

IV. The guardian, in making health care decisions or seeking court approval for a decision, shall:

A. Maximize the participation of the person,

B. Acquire a clear understanding of the medical facts,

C. Acquire a clear understanding of the health care options and the risks and benefits of each option, and

D. Encourage and support the individual in understanding the facts and directing a decision.

V. Use the substituted judgment standard with respect to a health care decision unless the guardian cannot determine person's prior wishes.

VI. The guardian shall determine whether the person, before the appointment of a guardian, executed any advance directives, such as powers of attorney, living wills, organ donation statements and statements by the person recorded in medical charts. On finding such documents, the guardian shall inform the court and other interested parties of the existing health care documents.

VII. To the extent the person cannot currently direct the decision, the guardian shall act in accordance with the person's prior general statements, actions, values, and preferences to the extent actually known or ascertainable by the guardian.

VIII. If the person's preferences are unknown and unascertainable, the guardian shall act in accordance with reasonable information received from professionals and persons who demonstrate sufficient interest in the person's welfare, to determine the person's best interests, which determination shall include consideration of consequences for others that an individual in the person's circumstances would consider.

IX. Absent an emergency or the person's execution of a living will, durable power of attorney for health care, or other advance directive declaration of intent that clearly indicates the person's wishes with respect to a medical intervention, a guardian who has authority may not grant or deny authorization for a medical intervention until he or she has given careful consideration to the criteria listed in Standards 6 and 7.

X. In the event of an emergency, a guardian who has authority to make health care decisions shall grant or deny authorization of emergency medical treatment based on a reasonable assessment of the criteria listed in Standards 6 and 7, within the time allotted by the emergency.

XI. The guardian shall seek a second opinion for any medical treatment or intervention that would cause a reasonable person to do so or in circumstances where any medical intervention poses a significant risk to the person. The guardian shall obtain a second opinion from an independent physician.