



Substitute Decision Making Tool



for the Health and Personal Care Setting When Person is Not Capable

Identify whether the decision to be made is a major health care or urgent decision:

- Is it needed to preserve the person’s life, or prevent serious harm?
- Is it needed to alleviate serious pain?
- Is it for radiation therapy; intravenous chemotherapy; kidney dialysis; electroconvulsive therapy; or laser surgery?

Does the person have an Advance Directive that addresses the treatment needed? Considerations:

- Are the instructions clear?
- Have the person’s wishes, values, or beliefs changed?
- Have there been substantive changes to medical or technological practices?

Yes

Proceed with instructions based on advance directive.

No

Seek a temporary substitute decision-maker (“**TSDM**”) from the HCCCFAA hierarchy at s16.

Does the person have a representation agreement that gives authority for the decision at hand?

Yes

Contact and consult with the representative.

NOT EMERGENCY - discuss the need for committeeship with to make nonemergency minor personal and health care decisions with family.

IF EMERGENCY and no TSDM - follow emergency provisions of HCCCFAA for health care or care facility admission; AGA for statutory guardianship.

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