

Guardianship and Conservatorship Program Regulations

408 Medical Decisions

408.1 Unless a power of attorney for health care is in effect, the guardian shall provide informed consent on behalf of the individual subject to guardianship for the provision of care, treatment and services and shall ensure that such care, treatment and services represents the least invasive form of intervention that is appropriate and available. The components of informed consent include, but are not necessarily limited to, an understanding by the guardian of: (1) the reason for, and nature of, the treatment (2) the benefits of and necessity for the treatment; (3) the possible risks, side effects and other consequences of the treatment and (4) alternative treatments or measures that are available and their respective risks, side effects, and benefits.

408.1.1 The guardian shall involve the individual subject to guardianship in health care decision making to the extent reasonably feasible and support the individual in understanding the risks and benefits of health care options to the extent reasonably feasible. [RCW 11.130.330 \(6\) \(a\)](#)

408.2 Unless authorized by the court in accordance with subsection (4) of this section within the past thirty days, a guardian for an adult may not consent to any of the following procedures for the adult:

- (a) Therapy or other procedure to induce convulsion;
- (b) Surgery solely for the purpose of psychosurgery; or
- (c) Other psychiatric or mental health procedures that restrict physical freedom of movement or the rights set forth in RCW 71.05.217.

[RCW 11.130.335 \(3\)](#)

408.3 A guardian shall be familiar with laws limiting the authority to consent to health care decisions, including reproductive decision making.

408.4 The guardian shall be familiar with the law regarding the withholding or withdrawal of life-sustaining treatment and other end of life decisions.

408.5 The guardian shall actively promote the health of the individual by arranging for regular preventative care including but not limited to dental care, diagnostic testing, and routine medical examinations to the extent preventative care and resources are available and to the extent the individual is willing to comply.

408.6 The guardian shall be available to respond to urgent need for medical decisions. The guardian shall provide instructions regarding treatment or non-treatment to be followed by medical staff in emergencies.

Effective January 1, 2022