

Guardianship and Conservatorship Program Rules Regulations

408 Medical Decisions

408.1 Unless a power of attorney for health care is in effect, the guardian and conservator shall provide informed consent on behalf of the incapacitated person 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 and conservator 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 and conservator 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.

408.2 Unless authorized by the court within the past thirty days, after notice and hearing with counsel for the individual subject to guardianship as required by statute, a guardian and conservator 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

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

408.24 The duty to provide informed consent does not prevent a guardian and conservator from electing to make code status decisions in advance of need.

408.35 The guardian and conservator shall be familiar with the law regarding the withholding or withdrawal of life-sustaining treatment.

408.46 The guardian and conservator shall actively promote the health of the ~~incapacitated person~~ individual subject to guardianship 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.

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