

### **Decision-making for patients in Arizona (once the patient lacks capacity)**

Establish a decision maker for every patient in case that patient loses medical decision-making capacity and cannot speak for him/herself. The decision maker's task would be to tell us what the patient would say if s/he could speak. With no visitors allowed in any hospitals, this is critically important; staff must know whom to call for updates and decisions.

Go down the list until you find the first one that exists for that patient.

- 1) Court appointed guardian (rare)
- 2) MPOA (Medical Power of Attorney) – this is a signed, dated, witnessed document present in the chart or in your possession. In the EMR, open the Advance Directives tab on the far left. It only counts if there is a scanned document in the chart which you can open and read. If the patient has no MPOA but has capacity – have her fill one an MPOA asap. In the absence of an actual document - there is no MPOA.
- 3) If there is no MPOA you proceed to the AZ Statutory surrogate list. This is Arizona state law. You must take the first one on the list who is “willing to serve and reasonably available” – phone contact only is always acceptable. If a person declines, you go to the next one on the list; a person who declines cannot “assign” the duty to another person.
  - a. Spouse, unless legally separated
  - b. Majority of biological and/or legally adopted adult children
  - c. Parent(s)
  - d. Domestic partner of unmarried patient
  - e. Adult sibling
  - f. Close friend
- 4) If none of the above can be found (due diligence must occur in the search): Attending Physician
  - a. In consultation with ethics committee (EC)
  - b. If EC is not possible – attending must consult with a second physician