

# Consent Tip Sheet

<b>Definition</b> – The chart below is to help with surrogate decision - making for persons who lack capacity. <i>Note: Patients are assumed to have capacity unless determined otherwise by an up-to-date capacity assessment.</i>		<b>Person who can make medical decisions</b>	<b>Person authorized to receive PHI</b>
<b>Medical Power of Attorney (MPOA)</b>	Selected by the patient in an advanced directive as the person authorized to make decisions for them if they are ever incapacitated.	Yes	Yes
<b>Legal Guardian</b>	A court appointed guardian has authority to make medical decisions.	Yes	Yes
<b>Legal Surrogate Decision Maker (Next of Kin)</b>	When there is no MPOA, no guardian, and the patient lacks capacity to make medical decisions.  This is a family member or close acquaintance who is next in line following Virginia law on surrogate decision-making and who is willing to serve in the role of surrogate decision-maker.	Yes	Yes
<b>Authorized Representative (AR)</b>	A person authorized to receive and disclose medical information.  To consent for treatment and services within a designated provider/setting – such as a group home, day program, or work program.	No Not for hospital care decisions.  Yes For decisions in the location identified by the AR authorization.	Yes
<b>Designated Direct Support Professionals (DSP)</b>	A person designated by a patient to provide any needed assistance while the patient is in the hospital and in the community, including assistance for communication, and basic care needs.	No	Yes
<b>Community Agency Care Providers</b>	A community agency care provider who supports the individual to live independently in their own home under a Medicaid Waiver.	No	Yes