



Medical treatment decision makers



In this fact sheet you will find:

- ▶ information about choosing your medical treatment decision maker
- ▶ a checklist of the steps to appoint your medical treatment decision maker.

Office of the Public Advocate (OPA)

Find information also on the OPA website: publicadvocate.vic.gov.au

OPA's Information Service operates weekdays 9am - 3pm: 1300 309 337

Find the form on the Department of Health website: health.vic.gov.au/patient-care/advance-care-planning-forms

Choosing your medical treatment decision maker



You can choose who makes medical treatment decisions for you if you are ever unable to make these types of decisions, due to injury or illness.

The person with legal authority to make medical treatment decisions for you is known as your medical treatment decision maker.

Your medical treatment decision maker can **only** make decisions about your treatment when you do not have decision-making capacity to make the decision.

Medical treatment decision maker list

The first person in the list below who is reasonably available, and willing and able, to make the decision will be your medical treatment decision maker.

- your appointed medical treatment decision maker*
- a guardian appointed by VCAT to make decisions about your medical treatment
- the first of the following people who is in a close and continuing relationship with you:
 - your spouse or domestic partner
 - your primary carer (not a paid service provider)
 - your adult child
 - your parent
 - your adult sibling.

Where you have two or more relatives who are first on this list, it is the eldest.

You can choose who your medical treatment decision maker is by appointing someone to that role.

Examples of the things they can make decisions about include treatment for an injury, an operation, dental treatment, and treatment for mental illness.

For more information, see the definition of medical treatment on the OPA website.

In Victoria, if you do not have a medical treatment decision maker, and do not have capacity to make a decision, the Public Advocate has authority to make a significant medical treatment decision for you (unless it is an emergency, or unless you have completed a relevant instructional directive).

Appointing your medical treatment decision maker

Your medical treatment decision maker should be someone you trust to respect your values and preferences for your medical treatment.

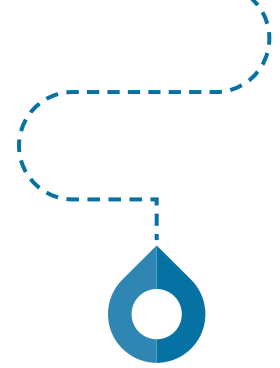
You can only have one medical treatment decision maker at a time. You can also appoint a back-up(s).

The person(s) you choose needs to accept the role. It is important they have the opportunity to learn about the role, and find out about your values and preferences.

How your medical treatment decision maker decides

Your medical treatment decision maker must make the decision that they reasonably believe you would make. They can make decisions to consent to, or refuse, medical treatment.

Checklist to appoint a medical treatment decision maker



To be able to appoint your medical treatment decision maker, you must have decision-making capacity to make the appointment.

□ **Decide who to appoint**

Whoever you choose should be someone you trust to respect your values and preferences. You can appoint more than one person, but only one person acts at any one time.

□ **Fill in the form**

Follow the instructions in the form.

You can appoint up to two medical treatment decision makers using the short form. If you wish to appoint more, use the long version of the form.

If you have decision-making capacity but cannot physically sign, there is a version of the form where another person can sign at your direction.

Limitations or conditions

Your appointed medical treatment decision maker has the powers set out in the Act, subject to any limitations or conditions you include in the appointment form. If you are considering including limitations or conditions, first read the information on the OPA website about this.

□ **Sign the form in front of witnesses**

You need to sign the form in front of two witnesses. One must be a registered medical practitioner (doctor) or someone authorised to witness affidavits.

Arrange for an interpreter, if needed. OPA recommends using an independent and accredited interpreter.

See OPA's website for the 'Information for witnesses: Appointment of medical treatment decision maker' fact sheet that explains the witness role.

□ **Your medical treatment decision maker signs**

Any person you appoint needs to accept the appointment and sign in front of an adult witness. They can do this on the day you sign, or on a later date.

OPA's 'Information for medical treatment decision makers' fact sheet explains their role. See the OPA website for this.

You should make sure your medical treatment decision maker understands your values and preferences for your medical treatment, and continue to keep them informed of any changes.

If you have made an advance care directive, give your medical treatment decision maker a certified copy or make sure they know where to find it.

□ **Storage and certified copies**

The appointment form is not registered in Victoria. You should keep the original in a safe place. Make sure your medical treatment decision maker knows where to find it if they need it, or give them a certified copy. You should give your doctor, relevant health practitioner, or hospital (if relevant) a copy. Consider uploading a copy to My Health Record: myhealthrecord.gov.au

Note about previous appointments

If you appoint a medical treatment decision maker using the form developed by the Department of Health, you can use the form to revoke (cancel) any previous appointment. This includes someone you appointed under a legal document recognised by the Act, for example, a medical enduring power of attorney.