

Consent Tip Sheet

Definition – The chart below is to help with surrogate decision - making for persons who lack capacity. Note: <i>Patients are assumed to have capacity unless determined otherwise by an up-to-date capacity assessment.</i>		Person who can make medical decisions	Person authorized to receive PHI
Medical Power of Attorney (MPOA)	Selected by the patient in an advanced directive as the person authorized to make decisions for them if they are ever incapacitated.	Yes	Yes
Legal Guardian	A court appointed guardian has authority to make medical decisions.	Yes	Yes
Legal Surrogate Decision Maker (Next of Kin)	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
Authorized Representative (AR)	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
Designated Direct Support Professionals (DSP)	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
Community Agency Care Providers	A community agency care provider who supports the individual to live independently in their own home under a Medicaid Waiver.	No	Yes