Health Care Decision Making for Adult Patients

**CAPACITY** → **PATIENT** → **INCAPACITATED**

Patient must give informed consent

The guardian or committee may give informed consent. → Yes → Has a guardian or committee with the authority to make health care decisions been appointed for the patient?

No

If the living will addresses the health care decision at hand, the patient is terminally ill or permanently unconscious, and a determination of incapacity has been made, the health care provider may rely on this directive.

If the living will does not address the decision, go to the next level.

No

After the patient has been determined to be incapacitated, the MPOA representative may give informed consent.

Yes → Does the patient have a medical power of attorney?

No

A health care surrogate may be selected to give informed consent.

Yes → Does the patient have any family or friends willing to make health care decisions? Is any other person or entity available (including the WV Dept. of Health & Human Resources)?

No

A guardian should be obtained for the patient.

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