

# Decision-Making Documents in Aged Care Settings



When a new resident is admitted to your Aged Care Facility (ACF), it is important to know what documents they have in place. This fact sheet answers some frequently asked questions and clarifies some common misunderstandings.

The following table lists the documents that relate to making decisions for a person who has impaired decision-making capacity:

Document	Abbreviation	Decisions authorised
Advance Care Directive	ACD	Health, Accommodation & Lifestyle
Enduring Power of Guardianship	EPG	Health, Accommodation & Lifestyle
Power of Attorney	POA	Financial & Legal
Medical Power of Attorney	MPA	Health/Medical only
Anticipatory Direction	AD	End of Life only

- Enduring Powers of Guardianship, Medical Powers of Attorney, and Anticipatory Directions are no longer used. However, if they were completed and signed prior to July 1<sup>st</sup> 2014, **they are valid**. They are now called Advance Care Directives (ACDs) and will be treated as if they were made under the new ACD legislation.

## What if there are no documents in place?

- A person can only make a new Advance Care Directive (ACD) or Power of Attorney (POA) if they still have decision making capacity/mental capacity to sign legal documents.
  - For more information about capacity, please see our “Decision-Making Capacity” Fact Sheet.
- A resident can still enter an ACF without these documents in place.
- A family member or friend cannot complete and sign these documents on behalf of the resident.
- If there is no substitute decision-maker or guardian, a family member or friend, with a close and continuing relationship with the resident, can act as a Person Responsible. This means that they can consent to medical treatment, as long as there is no conflict or opposition. For more information, please see our “Consent to Medical Treatment” Fact Sheet.
- A Person Responsible can also make end-of-life choices for the resident.
- If there are financial contracts to be signed and there is no Power of Attorney (POA) in place, and no working Informal Arrangements, then an application to the South Australian Civil and Administrative Tribunal (SACAT), for an Administration Order, may be required. Please see our “Informal Arrangements”, “Administration Orders” and “Applying to SACAT” Fact Sheets.

## Decision-Making Documents in Aged Care Settings (continued)

### What if there are decision-making issues?

- If a person has made an Advance Care Directive, and there is a disagreement about decisions or decision-makers, the Dispute Resolution Service (DRS) at the Office of the Public Advocate (OPA) may be able to assist.
  - For more information about the DRS, please see our “Dispute Resolution Service” Fact Sheet.
- If there is no Advance Care Directive in place, and there is a dispute about consent to medical or dental treatment, you can also apply to the Dispute Resolution Service (DRS).

### What if our staff need further information?

- Contact the OPA Information Service on 8342 8200.
- Visit the OPA website ([www.opa.sa.gov.au](http://www.opa.sa.gov.au)).