

NMIH102 Notes:

Guardianship Tribunal –

What is the guardianship tribunal?

- Est. Guardianship Act 1987
- Protect & empower people with decision making difficulties
- Appoint guardians and financial managers
- Review enduring powers of attorney and enduring powers of attorney
- Provide consent to med/dental treatment
- Approval clinical trial

What is substitute consent?

- Refers to the situation where a patient is not capable of giving their own consent to the medical or dental treatment

Who can not consent?

- A persona cannot give valid consent if they:
 - ⇒ Cannot understand the effects/treatment
 - ⇒ Cannot communicate consent or not
- The Guardianship Act est:
 - ⇒ Who can give valid substitute consent on behalf of patient
 - ⇒ When treatment can occur
 - ⇒ Penalties for practitioners who fail to obtain substitute consent when required

Substitute decision maker –

- Someone who has legal authority to make decisions
 - ⇒ Personal responsible
 - ⇒ Guardianship tribunal

Person responsible –

1. Guardian
2. Most recent spouse/de facto spouse (close, continuing relationship)
3. Unpaid carer
4. Relative/friend close personal relationship

Types of treatment –

- Urgent
 - Save a persons life
 - Prevent serious damage to health
 - Alleviate significant pain/distress
 - ⇒ **DOES NOT REQUIRE CONSENT**
 - Medical/dental treatment also fall under this if is under those reasons.

- Major
 - General aesthetic
 - Prescription-only drugs
 - Administering long-acting injectable hormone substances
 - Admin. Drugs of addiction
 - Treatment of: cancer, palliative care
 - Substantial risk to patient
 - Testing for HIV

⇒ **CONSENT IS REQUIRED!**

 1. **Hierarchy**
 2. **Guardianship Tribunal**
- Minor
 - General anaesthetic or other sedation only for:
 - ➔ Management of fractured/dislocated limbs
 - ➔ Endoscopes inserted through an orifice, not penetrating the skin
 - Prescription-only drugs that affect CNS:
 - ➔ Used for analgesic, antipyretic, antiparkinsonian, antihistaminic, antiemetic, antinauseant, anticonvulsant purposes.
 - ➔ PRN not more than 3x/month
 - ➔ Sedation
 - ➔ Medications are used only once

⇒ **CONSENT REQUIRED**

 1. **Hierarchy**
 2. **Practitioner**
- Special
 - May result in permanently infertile
 - Terminate a pregnancy
 - Results in vasectomy/tubal occlusion
 - Aversive stimulus
 - Drug of addiction

⇒ **CONSENT REQUIRED**

 1. **Guardianship tribunal ONLY**