

## ATTACHMENT A

(Source: PA 437 of 2000)

Identify an appropriate decision-maker. The Department recognizes that there are situations in which a resident does not have an officially designated “patient advocate” or legal guardian. When that situation occurs, a nursing home may have a policy that it accepts the request and consent of a family member who is not a legal guardian or patient advocate when the family member generally represents the resident in matters with the facility. The family member in such a case is considered an “attorney in fact” and falls into the category of “other legal representative”. In the survey process, the Department makes the assumption that the individual who has made the request and signed consent is authorized to do so if they have been recognized by the facility for this purpose unless there is a specific reason to question the authority of the signer. Therefore, it is important that a facility be careful in ascertaining the status of the individual who signs the document.