
Making healthcare decisions for someone else

Summary

- In a medical emergency, the treating doctor will make decisions about your immediate care.
 - Family members may be involved in making healthcare decisions for you if you are unable to make decisions and it is not a medical emergency.
 - You can appoint a person to be your medical treatment decision maker in the event that you become too unwell to make decisions yourself..
 - Your doctor can help you make an advance care directive to say what medical treatment you want, in case you are unable to make decisions in the future.
 - Any healthcare or medical decision made for another person should reflect their wishes as much as possible.
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Family members may be involved in making healthcare decisions for you if you are unable to and it is not a medical emergency. In an emergency situation the treating doctor will make decisions about your healthcare such as giving consent for surgery or medication, life support, or agreeing to procedures that will prolong your life.

There are rules on what decision-makers can do and assistance is available to help them make medical treatment decisions for you.

Types of medical and healthcare decision makers

In a medical emergency, the medical team (doctors) may make decisions on urgent medical treatment.

In non-emergency medical situations, the doctor in charge of your treatment will explain the situation and available options for treatment, and then ask that a decision be made. If you are unable to make decisions due to an injury or a medical condition, then your medical treatment decision maker will need to make the decision on your behalf.

You can legally appoint a person to be your medical treatment decision maker to make healthcare decisions on your behalf. If you are unable to make decisions and no formal appointment has been made, then someone you have a close and continuing relationship with will be asked to make medical treatment decisions on your behalf.

Making medical treatment decisions for someone else

You can formally appoint a close friend or family member to be your medical treatment decision maker by completing a **legal document**. In the event that you cannot make decisions for yourself, your medical treatment decision maker will be obligated to act in a way that promotes your personal and social wellbeing. This means that they must consider your medical preferences, values and beliefs in order to make the decision they believe you would have made, were you able to.

There is more information on making an appointment in the section on **medical treatment decision makers**.

If you are appointing someone to this role, or if you are being appointed as someone else's medical treatment decision maker, it is important to discuss these three questions:

- what is important to the person in terms of health and health outcomes?
- what are the person's fears or worries?
- what are the trade-offs the person is willing to make to get these outcomes? For example, would it be more important to stay at home or have care close at hand?

By creating an **advance care** directive, a person can also outline their wishes for medical treatment if they are unable to make these decisions for themselves, such as if they are unconscious after an accident. If a valid advance care directive contains specific instructions either consenting to, or refusing medical treatment then these instructions cannot be overridden by the person's medical team or their medical treatment decision maker. An advance care directive can also be used to document a person's values, beliefs and medical preferences. This will

help guide their medical treatment decision maker and give them confidence that they are making the decisions the person would want.

There is more information on recording wishes for future care and related matters in the section on [**advance care planning**](#).

When there is no appointed medical treatment decision maker

If you are unable to make decisions and no formal appointment has been made, a person close to you will be asked to be your medical treatment decision maker. In most circumstances, this will be a family member or your primary carer.

In Victoria, the first person in the list below who is reasonably available, and willing and able, to make the decision will be your medical treatment decision maker:

- your appointed medical treatment decision maker
- your guardian appointed by the Victorian Civil and Administrative Tribunal (VCAT) to make decisions about medical treatment
- the first of the following people who is in a close and continuing relationship with you:
 - your spouse or domestic partner
 - your primary carer
 - your adult child
 - your parent
 - your adult sibling.

Where you have two or more relatives who are first on this list, it is the eldest.

If you are asked to be someone's medical treatment decision maker, any decision you make for another should be one the person would make for themselves. As far as possible, make a decision about what they would want based on previous conversations you have shared. This is why it is important to discuss a person's medical wishes with them, so you can understand their views.

Where to get help

- Your doctor
- Lawyer
- [**Victoria Legal Aid**](#)

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