



Enduring Power of Attorney Procedure

Procedure Number
WCDHB-PG-0043

Version Nos:
2

1. Purpose

This Procedure outlines the obligations of the West Coast District Health Board (WCDHB) in relation to patients with an enduring power of attorney.

2. Application

This Procedure is to be followed by all WCDHB clinical staff members.

3. Definitions

There are no definitions associated with this Procedure.

4. Responsibilities

For the purposes of this Procedure:

Staff Members are required to:

- abide by the requirements of this Procedure.

5. Resources Required

This Procedure requires:

- i) Patient's Clinical Record
- ii) Enduring Power of Attorney

6. Process

- 1.01 The capacity for an individual to create an enduring power of attorney is contained within the Protection of Personal and Property Rights Act (1988).
- 1.02 The enduring power of attorney is only activated when the patient to whom it relates becomes mentally incapable.
- 1.03 The patient is defined as being mentally incapable when they:
 - i) lack (either wholly or partially) the capacity to understand the nature and foresee the consequences of decisions in respect of matters relating to their personal care and welfare; or
 - ii) has the capacity to understand the nature and foresee the consequences of decisions in respect of matters relating to their personal care and welfare, but is unable to communicate decisions in respect of such matters.
- 1.04 A determination of whether a patient is mentally incapable or not is made by the Family Court.
- 1.05 Where a patient has been deemed mentally incapable, the attorney appointed by the patient will then begin to act on their behalf. A copy of the enduring power of attorney is to be placed into the patient's clinical record.



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- 1.06 Where it is known that a patient has an enduring power of attorney, but the patient has yet to become mentally incapable, staff members are to seek guidance from the patient as to the level of involvement the wish the attorney to have.
- 1.07 If the patient wishes the attorney to be involved in their treatment, staff members are to obtain written authorisation from the patient prior to this occurring.
- 1.08 Where no authorisation has been obtained, staff members are to continue to treat the patient as normal and not discuss their treatment or condition with the attorney, until and unless the patient becomes mentally incapable.

7. Precautions And Considerations

- ➔ An enduring power of attorney is only activated when the patient to whom it relates becomes mentally incapable
- ➔ Where a patient has been deemed mentally incapable, the attorney appointed by the patient will then begin to act on their behalf. A copy of the enduring power of attorney is to be placed into the patient's clinical record.
- ➔ Where it is known that a patient has an enduring power of attorney, but the patient has yet to become mentally incapable, staff members are to seek guidance from the patient as to the level of involvement the wish the attorney to have.

8. References

Protection of Personal and Property Rights Act (1988).

9. Related Documents

WCDHB Management of Personal Health Information Procedure

Revision History	Version:	2
	Developed By:	Risk and Quality Manager
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