

# onguard

A regular newsletter for guardians in NSW

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## Health Care Matters - Function in focus

**Health Care function:** There are many things the health care function allows a guardian to do for a person. The general meaning of the function is that a guardian may make decisions about the health care and health services a person should receive. A good starting point is to think about what you know about the person's health care needs already and to then ask questions of a person's staff or carer so you have a good understanding of their overall health care needs. Some questions you might ask:

- what are the person's primary health care needs now?
- is there is a current care plan in place?
- what does the person know about their own health and what are their views of their health care needs?
- when are the next health checks due?
- who is responsible for monitoring a person's health and making appointments?
- what health care might the person need that is specific to their age or conditions?
- who are the treating practitioners? Keep a list of contact details
- what is the person's medical history? This may need to be passed on to other doctors and staff where relevant

### What kinds of decisions can you make?

You can only make decisions that will promote the person's welfare and be in their best interests. For example, you can make decisions about:

- assessments and non-invasive procedures for the person
- the generalist nursing or personal care a person should receive
- the person's nursing or health care plan
- whether the person should attend appointments and who they should see, such as, a general practitioner, dentist, psychologist or dietitian
- whether the person should receive physiotherapy, speech therapy or massage therapy
- the release of health care information about a person

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### DID YOU KNOW?

NSW Health has developed **My Health Record**, a tool to keep track of health information about a person. You can get copies from GPs, public hospitals or community health centres or visit [www.health.nsw.gov.au/initiatives/myhealthrecord/](http://www.health.nsw.gov.au/initiatives/myhealthrecord/) or call 02 9887 5450 for a free copy

## Keeping track of care needs

There may already be a good plan in place to monitor a person's health care needs. If you find that there is no plan in place to keep a record of a person's health care needs you can request this of the service. You could also:

- write things down yourself
- help the person to keep a medical journal
- record appointments on a calendar or in a diary
- ask for results in writing
- help the person to maintain a regular GP, chemist and other doctors, consistency in care can simplify things for the person
- keep an up-to-date contact list of all health care providers for the person

It's a good idea to keep a record of the decisions you make, when you make them and who is responsible for any follow-up that may be needed.

*Please note: The health care function does not allow you to consent to major or minor medical/dental treatment outlined in Part 5 of the Guardianship Act. You may need a medical/dental function to consent in this area if you cannot act as person responsible.*

## Person Responsible

**If you don't have the medical and dental consent function what happens if the person you are guardian for does not have capacity to consent to their own treatment?**

The practitioner should seek treatment consent from the patient's 'person responsible' and this is not necessarily the next of kin. A person responsible in order of hierarchy is either:

- a guardian or enduring guardian with the medical/dental consent function;
- the most recent spouse or defacto spouse with whom the person has a close, continuing relationship. 'De facto spouse' includes same sex partners, or if there is no spouse or defacto;
- an unpaid carer who is now providing support to the person or provided this support previously;
- a relative or friend who has a close personal relationship with the person.

For more information, the PGSU has produced fact sheets on health care, medical and dental consent functions and person responsible that might help you in your role. Call for your free copies!

## NDIS Update

In April, we told you that the Federal Productivity Commission was seeking comments on their report, which recommended that Australia develop a National Disability Insurance Scheme (NDIS). The Council of Australian Governments (COAG) will develop principles by the end of the year which will guide consideration of the Productivity Commission's recommendations and will look at foundation reforms, funding and governance. COAG also agreed to form a Select Council of Ministers from Commonwealth, States and Territories to start work immediately on this.

Reforms include:

- developing common assessment tools, so that people's eligibility for support can be assessed fairly and consistently, based on their level of need, no matter which state or territory they live in
- putting in place service and quality standards so that people with disability can expect high-quality support;
- building workforce capacity so there is more trained staff to support people with disabilities; and
- developing timelines and benchmarks to support the delivery of these and other reforms

The Select Council will report at COAG's first meeting in 2012. We'll report more on these positive reforms next year.

## YOUR STORIES

**Keep emailing in your stories and experiences as private guardians to [informationsupport@opg.nsw.gov.au](mailto:informationsupport@opg.nsw.gov.au)**

The Private Guardian Support Unit (PGSU) is a free and confidential information and support service for private guardians in NSW. PGSU is a branch of the Public Guardian and is part of the Department of Attorney General and Justice and is not part of the Guardianship Tribunal or NSW Trustee & Guardian. The PGSU publishes *Onguard* and *Now You're the Guardian*.

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