

RESOLUTION 93 - 05A

Title: Regulation and Reduction of Guardianships

Introduced by: Adrian J. Christie, MD, for the MSMS Committee on Aging

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Referred to: Reference Committee B

House Action: Referred to the Board for Study

Whereas, guardians are often appointed by the courts for individuals not competent to consent to or refuse particular medical treatments and medically related services, and

Whereas, there is currently no regulation of individuals who may offer their services as a court appointed guardian for an individual, and

Whereas, guardians may obtain authority over both the medical and financial decisions for these vulnerable individuals, and

Whereas, abuses of the considerable authority given to these individuals by the courts can render significant harm, and

Whereas, there are viable alternatives to guardianships such as advanced directives like living wills, do-not-resuscitate orders, and durable powers of attorneys that would reduce the need for many individuals who are assigned guardians; therefore be it

RESOLVED: That MSMS pursue policies, and legislation if necessary, with the objective of reducing the number of guardianships needed as well as seeking accountability for those individuals who provide guardianship services.

WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE