

## **Health Care Decision Making for Individuals with Intellectual and Developmental Disabilities**

### **Can people with Intellectual and Developmental Disabilities (I/DD) make their own healthcare decisions?**

Yes. Every adult, a person over the age of 18, can make decisions about their own health.

### **Can people with I/DD get help making healthcare decisions?**

Yes. You can use Supported Decision Making (SDM). SDM is when an individual with a disability chooses someone to help them make decisions. This can be a trusted family member, friend or someone else. This person is called a “supporter”. For more information about SDM see the [DDS Supported Decision Making FAQ - 2024](#), [Video](#) and [Guide](#).

### **Can adults with I/DD have someone else make healthcare decisions for them? (Probate Code 4600-4753)**

Yes. You can sign an Advance Health Care Directive. This Directive lets you do 5 things:

1. Identify someone to make health care decisions for you. You can let this person make decisions once you sign the form. Or you can let them make decisions only when you aren't able to make your own decisions.
2. Decide what health care decisions the person can make.
  - You can let them make all decisions.
  - You can limit the kinds of decision they can make. For example, you can limit the kinds of treatment they can consent to.
3. Provide instructions about your end-of-life care.
4. Provide instructions about donating your organs.
5. State the name of your primary care physician.

In California, this document needs to be witnessed by two people or notarized. The person authorized to make decisions is called a Health Care Agent, Representative, Surrogate, or Proxy.

California has an Advanced Health Care Directive Form. A copy of the form is here: <https://oag.ca.gov/system/files/media/ProbateCodeAdvanceHealthCareDirectiveForm-fillable.pdf>

You can ask someone you trust to help you understand the form. The form should state what you want to happen with your health care.

### **Can an Advance Health Care Directive end?**

Yes. You can “revoke” this advance health care directive or change it anytime you want. You can also put an end date on it. Revoking means taking back the authority you gave someone else. You should revoke it in writing. You should also give everyone who has a copy of it a new one or the letter where you revoked it.

### **Can the regional center consent to medical procedures for a person with I/DD? (WIC 4655)**

Yes. The medical director at your regional center can give consent for medical, dental and surgical treatment in some circumstances. This happens when you are unable to give consent and you do not have a parent, guardian, or conservator to give consent or they do not respond in a timely manner.

### **Can a relative give consent for a person with I/DD?**

The closest available relative can give consent if you are unable to give consent because you cannot understand or make decisions for yourself.

### **If a person with I/DD has an emergency can medical care be provided without consent? (B & P Code 2397 and 1627.7)**

Yes. Under the law, doctors and dentists can perform emergency procedures. They can do this when a person is unconscious or if they are not capable of giving consent and there is not enough time to find another person who can give consent.

### **If a person with I/DD lives in an Intermediate Care Facility or a Skilled Nursing Facility, can the facility help find someone to help make decisions for them? (H&S Code 1418.8)**

Yes. The facility must try to find a family member or person you choose to make decisions for you if your doctor says you are not capable of making decisions. If you do not have someone who can make decisions for you, they will find a representative for you.