

THE LIFE OF A GUARDIAN:

Telling the Difference Between Incapacity
and Questionable Decision Making

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NGA STANDARDS OF PRACTICE: THE EARLY YEARS

- The original seven NGA Standards of Practice for guardians were written in 1991.
- They were first adopted by the NGA board of directors and ratified by the membership in 2000.



NGA STANDARDS OF PRACTICE: THE REVISIONS

- The 2003 edition of the Standards incorporated language that came forth from Wingspan 2001, the National Conference on Guardianship Reform.
- The 2007 edition provides minor clarification of the language in the earlier editions without any substantive changes.
- The 2007 Standards were used as a starting point to develop new standards at the 2011 Third National Guardianship Summit. The 2013 edition incorporates the Summit standards.

Information taken from the NGA Standards of Practice, Fourth Edition - 2013



MICHAEL'S STORY

- Michael is a 62 year old male with developmental disabilities
- Michael lives in a four- family apartment building with five other men, and he attends workshop every day
- There has been a past history of some sexual acting out and disrespect of female staff
- Michael has requested to attend local strip clubs with a male staff member and to purchase “adult entertainment” material.



GUARDIAN'S DILEMMA

- Michael is an adult with the right to express sexual desires
- Past behavioral and legal issues cannot be ignored, nor can progress that has been made.
- What would you do?



JENNY'S STORY

- Jenny is a 59 year old woman with COPD and other chronic medical diagnoses, and mental health issues, who resides in an assisted living center. She continues to smoke although her doctor has stated smoking is “killing her”
- Jenny has only 60% lung function
- Jenny has open wounds that will not heal due to poor circulation
- Due to being in ASL, she has more freedom to smoke and is able to go to the local carry-out whenever she wants
- If Jenny was in a nursing facility, smoking would be much more limited.
- She is eligible for nursing level care, but chooses to stay where she can smoke more freely.





THE GUARDIAN'S DILEMMA

- Respect the patient's stated desire to continue to smoke, regardless of health consequences
- Move her to a nursing facility where smoking is more limited
- Completely restrict smoking
- What would you do?



JOANN'S STORY

JoAnn is living with her daughter/caregiver in JoAnn's home and is receiving daily hospice care. A hospice worker contacted APS with the following concerns:

- No compliance with medication orders
- Missing pain medications
- Not appearing for medical appointments
- Daughter refuses to complete Medicaid forms to allow for admittance to an nursing facility as recommended by hospice staff
- Patient states her desire to stay in the home, but daughter will not allow her to be interviewed out of her presence
- Hospice made referral to guardianship program for a guardian





THE GUARDIAN'S DILEMMA

- Shall I accept this referral?
- According to NGA's Standards, the guardian must consider the desire of the patient to remain in her home
- Does she really need a guardian, or just help getting the daughter out of the home/good home care?
- What would you do?




SHARON'S STORY

- Sharon is a 39 year old woman being cared for in a nursing home for problems associated with morbid obesity. Her weight exceeds 600 pounds.
- Sharon expressed a desire to take control of her health and weight and asked her guardian to help her find an inpatient bariatric program.
- While she waits for admission, she continues to order in extra food, her family brings snacks, and she continues to gain weight.





SHARON'S STORY, CONTINUED

- Sharon participated in creating a plan of care that included limiting ordering food delivery to once a month and asking family to not bring food to her.
 - However, at times she demands food from staff and family, and engages in disruptive and verbally abusive behavior when she does not get what she wants.
 - When she becomes aggressive or abusive, the nursing home staff gives in to her demands for food.
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THE GUARDIAN'S DILEMMA

- Should the guardian continue to require staff and family to enforce the no extra food rule?
- What would you do?



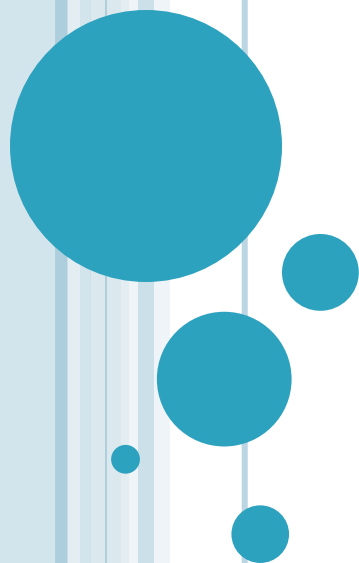
THE REALITY

- There are no “easy” answers
- Frequently there is not one “right” answer or a perfect answer
- As a concerned family member, friend, or guardian you will need to listen, discuss, and spend time working together to come up with solutions that are in the best interest of the person under guardianship.



QUESTIONS?

Download NGA's Standards of Practice at
www.guardianship.org



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