

§484.50(b) Standard: Exercise of rights.

(1) If a patient has been adjudged to lack legal capacity to make health care decisions as established by state law by a court of proper jurisdiction, the rights of the patient may be exercised by the person appointed by the state court to act on the patient's behalf.

(2) If a state court has not adjudged a patient to lack legal capacity to make health care decisions as defined by state law, the patient's representative may exercise the patient's rights.

(3) If a patient has been adjudged to lack legal capacity to make health care decisions under state law by a court of proper jurisdiction, the patient may exercise his or her rights to the extent allowed by court order.

Interpretive *Guidelines §484.50(b)*

The HHA should obtain official documentation of: (1) any adjudication by a court that indicates that a patient lacks the legal capacity to make his or her own health care decisions; and (2) the name of any person identified by the court who may exercise the patient's rights.