

# Withholding and withdrawal of life sustaining measures

## A guide to discussing end of life decision making with the Public Guardian for adults with impaired decision making capacity

The Queensland guardianship legislation allows for the Public Guardian to make health care decisions as a last resort, which include the withholding and/or withdrawal of life sustaining measures (LSM/s) for adults with impaired decision making capacity.

Officers of the Office of the Public Guardian (OPG) are available 24 hrs a day 7 days a week to provide/discuss health care consents with medical professionals. Medical professionals will be guided through the consent process and receive information about the requirements for consent by the Public Guardian for adults with impaired decision making capacity.

### Process: consent to withholding/withdrawal of life sustaining measures

- When you first contact the OPG Officer you will be asked to provide detailed information which will then be discussed with an executive manager
- Following these discussions you may be consulted to provide further opinions and information
- Once a decision has been made you will be notified by the OPG Officer, and in the case that consent is approved, written correspondence will follow.

#### Information required:

- personal details of the adult, name, DOB, social/living arrangements
- details of the adults capacity, why can't the adult make this decision
- why the Public Guardian is the most appropriate substitute decision maker
- the adult's health history, current health condition/status/diagnosis
- the adult's likely prognosis/chance of recovery
- what are the LSM/s requested to be withheld/withdrawn e.g. CPR, assisted ventilation



Interpreter

### Contact Us

Office of the Public Guardian Health  
Care Consent Line

t. 1300 753 624

[www.publicguardian.qld.gov.au](http://www.publicguardian.qld.gov.au)

- is the withholding/withdrawal of the LSM consistent with good medical practice
- is the withholding/withdrawal of the LSM in the adult's best interests
- what are the adult's views, wishes and preferences
- what are the views of any other key parties in the adult's life
- are there any advance care planning documents, such as Statement of Choices form A or B
- what are the proposed palliative care measures
- has a second opinion been obtained, and if so from whom
- is the adult's situation consistent with the Public Guardian's policy

### Policy: internal OPG guidelines

The OPGs policy direction about when to consent to the withholding/withdrawal of LSM/s is derived from section 36 of the *Powers of Attorney Act 1998* which outlines when an Advance Health Directive can operate.

#### Does the adult's situation satisfy one of the following criteria:

- the adult has a terminal illness or condition that is incurable or irreversible and as a result of which, in the opinion of two doctors, the adult may reasonably be expected to die within one year
- the adult is in a persistent vegetative state - the adult has a condition involving severe and irreversible brain damage which, however, allows some or all of the adult's vital bodily functions to continue, including, for example, heart beat or breathing
- the adult is permanently unconscious - the adult has a condition involving brain damage so severe that there is no reasonable prospect of regaining consciousness
- the adult has an illness or injury of such severity that there is no reasonable prospect of recovery to the extent that the adult's life can be sustained without the continued application of LSM/s.

### Principles: legislative requirements

All health care decisions including the withholding/withdrawal of LSM/s must have regard to the Health Care Principle, the General Principles and Good Medical Practice. These principles are located in the *Guardianship and Administration Act 2000* and *Powers of Attorney Act 1998*.

#### Good Medical Practice is having regard to:

- the recognised medical standards, practices and procedures of the medical profession in Australia; and
- the recognised ethical standards of the medical profession in Australia.

#### Health Care Principle includes the following:

- the power for a health matter should be exercised:
  - in a way least restrictive of the adult's rights; and
  - in all circumstances be in the adult's best interest
- to the greatest extent practicable consider the following:
  - seek the adults views and wishes and take them into account
  - take the information given by the health provider into account
- the adults views and wishes maybe expressed:
  - orally
  - in writing
  - by conduct

**Please contact the OPG health care consent line on 1300 753 624 for further information.**