

VALLEYCARE
OLIVE VIEW-UCLA MEDICAL CENTER/HEALTH CENTERS
POLICY & PROCEDURE

NUMBER: 189
VERSION: 2

SUBJECT/TITLE: INITIATION OF A 3200 PROBATE CODE PETITION

POLICY: A 3200 Probate Code petition must be submitted in order to appoint a temporary conservator for patients deemed to lack the capacity to make their own decisions.

PURPOSE: To assure a consistent means for the process of appointing a temporary conservator for patients who lack decision-making capacity for medical treatments.

DEPARTMENTS: All

DEFINITIONS: **Decision Making Capacity:** The ability to make a choice about various treatment options for medical care and to be able to understand the consequences of their decisions).

Probate 3200: Probate Code Section 3200 et seq., provides a procedure for petitioning a court to obtain judicial authorization to provide an incompetent adult patient with a course of medical treatment. Such a petition may be used only with respect to adult patients without conservators who are unable to give informed consent to necessary medical treatment and only in cases where, if the patient's condition is not treated, there is a probability that the condition will become life-endangering or result in a serious threat to the patient's physical health (Probate Code section 3208).

PROCEDURE: A 3200 Probate Code petition is a means to appoint a temporary conservator to make decisions on behalf of a patient who has been deemed to lack decision making-capacity for medical treatments, as recommended by the Department of Psychiatry. The temporary conservator can be a member of the family or a friend of the patient. A 3200 petition is a legally binding authorization permitting course of treatment determined by a physician's declarations to be in the patient's best interest and to be medically necessary. A 3200 petition is to be used only when the following criteria have been met:

1. The patient requires medical interventions of a non-emergency nature.
2. The patient is unable to consent to these interventions because he/she does not have decision-making capacity.

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- 3. The intervention has been determined, by the member or the treatment team, to be medically necessary and in the patient’s best interest.
- 4. Not providing the intervention will result in serious disability or death.

The application is coordinated by the Risk Manager.

Before initiation of a 3200 petition, the patient must be given the opportunity to obtain information regarding the risks, benefits and alternatives of the proposed medical intervention.

Family members or close friends shall be given the opportunity to be involved in the discussions with the healthcare providers regarding the risks, benefits and alternatives. Family members or close friends shall be given the opportunity to obtain the necessary legal authorizations to begin a 3200 petition, if desired.

A 3200 petition is never appropriate for a patient with decision-making capacity who is refusing medical intervention.

References: Joint Commission Standards R.I .2.30 California Probate Code §§3200 -3212	
Approved by: VEC-2011Jan	Date: 06/08/2011
Review Date: 09/17/2018, 6/98, 1/02, 5/11	Revision Date:6/98, 1/02, 3/05, 12/07
Distribution: Olive View Hospital-Wide Policies	
Original Date: 3/96	