



# CHAPTER 11: GLOSSARY OF IMPORTANT TERMS

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**Agent** -- A person who has been designated to make decisions for an individual (known as the **principal**) pursuant to a **financial power of attorney, health care power of attorney, or mental health care power of attorney**. An agent under these documents is sometimes called a **proxy** or an **attorney-in-fact**.

**Attorney-in-Fact** -- See **agent**.

**Beneficiary** -- A person who may receive payments of income or property from a **trust**.

**Capacity** -- The legal ability of an individual to make a decision. Capacity is also known as **competence**. The standard for capacity can vary depending on the circumstances.

**Competence** -- See **capacity**.

**Consent** -- A person's agreement, approval, or permission or the act of giving agreement, approval, or permission.

**Do Not Resuscitate (DNR) Order** -- An instruction by an individual or agent that he or she does not want to receive cardiopulmonary resuscitation (CPR).

**End-Stage Medical Condition** -- An incurable and irreversible medical condition in an advanced state, caused by injury, disease, or physical illness that will, to a reasonable degree of certainty, result in death. It does not

include permanent and irreversible physical, mental, or intellectual conditions where treatment can provide a benefit that does not merely prolong the process of dying, such as cerebral palsy or quadriplegia.

**Guardian** -- A person appointed by a court to make certain decisions on behalf of another individual who has been determined by the court to be **incapacitated** and, thus, unable to make those decisions. A **guardian of the person** has authority to make personal decisions for the individual (such as where to live). A **guardian of the estate** has authority only over decisions relating to the individual's finances and property. A **plenary guardian** is authorized to make most decisions for the individual (except those not permitted by law) while a **limited guardian** has only those powers specifically authorized by the court.

**Health Care Advance Directive** -- A written document by which an individual, while competent to do so, sets forth the parameters for his health care treatment in the event that he becomes incompetent to make his own health care decisions. An advance health care directive can be a **health care power of attorney**, a **living will**, or a **combination health care power of attorney/living will**. See also **mental health advance directive**.

**Health Care Agent** -- A person designated to make health care decisions for another individual in a **health care advance directive**.

**Health Care Power of Attorney** -- A document in which an individual (known as the **principal**) designates one or more persons (known as the **health care agents**) to make health care decisions for the individual if she

or he is determined to be **incompetent** to make those decisions regardless of whether the individual has an **end-stage medical condition** or is **permanently unconscious**.

**Health Care Representative** -- A person authorized by Pennsylvania law to make certain health care decisions for an individual who does not have a **guardian**, has not executed an **advance health care directive**, or whose **health care agent** is not reasonably available or is not willing to act.

**Incapacitated** – A person is incapacitated when a person lacks the ability to make certain decisions. The standard for incapacity can vary depending on the circumstances. A person can be incapacitated to make some decisions, but not others. Incapacitated is also sometimes called **incompetent**.

**Incompetent** -- See **Incapacitated**.

**Informal Supports** -- See **Natural Supports**.

**Informed Consent** -- A type of consent required to make certain types of decisions, particularly health care decisions that are not routine. Informed consent requires that the decision-maker: (1) have an ability to understand the decision, the alternative options, and the risks of benefits; (2) have the ability to use the information in a logical and rational way to reach a decision; and (3) be able to communicate the decision verbally or through other means.

**Life-Preserving Treatment** -- Treatment or interventions necessary to save the life of an individual who does not have an **end-stage medical condition** or who is not **permanently unconscious**.

**Life-Sustaining Treatment** -- Treatment that merely prolongs the process of dying for a person with an **end-stage medical condition** or that maintains an individual in a state of **permanent unconsciousness**.

**Living Will** -- A document that expresses the wishes and instructions of an individual (known as the **principal**) regarding specific types of health care treatment in the event the individual becomes **incompetent** and has an **end-stage medical condition** or is **permanently unconscious**.

**Mental Health Advance Directive** -- A document that delineates the person's preferences with respect to specific types of mental health treatment in the event that he or she loses **capacity** due to mental illness to make those treatment decisions. A mental health advance directive can take the form of a **mental health declaration** (which sets out specific treatment decisions the individual does or does not want in the event of incapacity), a **mental health care power of attorney** (which appoints a **mental health agent** to make decisions in the event of incapacity), or a **combination declaration/power of attorney**.

**Natural Supports** -- Family, friends, or advocates who know an individual with the disability and can help him or her to make decisions in a variety of contexts.

**Parent** -- Parents include natural or birth parents, adoptive parents, foster parents, or court-appointed guardians who have legal authority to make decisions for youth under age 18 unless they have been emancipated by the court. For special education decisions, parents can include other types of decision-makers as well and have legal authority to make such decision until the youth is age 21.

**Permanently Unconscious** -- A person is permanently unconscious when they have a total and irreversible loss of consciousness and capacity for interaction with the environment, such as a permanent vegetative stage or a permanent coma.

**Power of Attorney** -- A document in which an individual (known as the **principal**) designates another person (known as the **agent**) to make specified financial, health care, mental health care, or other decisions for the individual.

**Principal** -- An individual who creates any type of **power of attorney** or **advance directive**. **Proxy** -- See **Agent**.

**Representative Payee** -- An individual or agency appointed by the Social Security Administration to receive Social Security or Supplemental Security Income benefits for someone who cannot manage or direct his or her own money.

**Settlor** -- A person who creates a **trust** with his or her money or other property.

**Simple Consent** -- The type of consent granted by someone in order for another person to make everyday decisions or routine health care decisions on behalf of them.

**Substitute Decision-Maker** -- A person who is authorized by law to make decisions on behalf of another person in particular circumstances.

**Trust** -- A legal instrument in which a person (known as the **settlor**) places money or other property (known as **trust assets**) in a special account for the benefit of one or more persons (known as **beneficiaries**). The trust designates a third-person (known as a **trustee**) to control the trust assets in accordance with the specific directions in the trust.

**Trustee** -- The person designated in a **trust** to make decisions, in accordance with the trust instructions, on how the trust assets will be handled and distributed.

## Contact Information

If you need more information or need help, please contact Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). The email address is: [intake@disabilityrightspa.org](mailto:intake@disabilityrightspa.org).

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