

Decision Making Options Compatibility Chart

Decision-Making Option	Compatible With	Not Compatible With
Supported Decision-Making Agreement ¹	Power of Attorney, Advance Medical Directive, DBHDS Authorized Representative, Representative Payee/ Fiduciary	Legal Guardian, Conservator
Power of Attorney ²	Supported Decision-Making Agreement, Advance Medical Directive, DBHDS Authorized Representative, Representative Payee/ Fiduciary, Legal Guardian **, Conservator **	None (if durable and created when individual still had legal competency or capacity)
Advance Medical Directive ³	Supported Decision-Making Agreement, DBHDS Authorized Representative, Representative Payee/ Fiduciary, Power of Attorney*, Legal Guardian**, Conservator**	None (if created when individual still had legal competency or capacity)
DBHDS Authorized Representative ⁴	Supported Decision-Making Agreement, Advance Medical Directive, Power of Attorney, Representative Payee/ Fiduciary, Conservator	Limited Legal Guardian***, Full Legal Guardian***

¹ [§ 37.2-314.3 of the Code of Virginia](#)

² [The Uniform Power of Attorney Act \(§ 64.2-1600 et seq. of the Code of Virginia\)](#)

³ [Article 8 \(§ 54.1-2981 et seq.\) of Chapter 29 of Title 54.1 of the Code of Virginia](#)

⁴ [12VAC35-115-146](#)

* Advance medical directives only become relevant if a clinical determination is made that the individual lacks capacity. If the individual has capacity, it doesn't come into play at all, as the individual would make decisions in real time. The agent designated in an advance medical directive or durable medical Power of Attorney can make decisions on behalf of the individual but should be acting on the individual's wishes.

** If an advance medical directive or a durable power of attorney was created while an individual had capacity or was legal competency, then their advance medical directive and/or durable power of attorney will stand even if they are later deemed legally incompetent or to lack capacity and have a court appointed legal guardian or conservator (court appointed authorized representative). These types of representatives cannot change the advance medical directive or the durable power of attorney without petitioning the court.

*** If an individual has a legal guardian (limited or full) and is receiving a DBHDS-licensed service, the DBHDS Authorized Representative appointed by the CSB and/or provider would need to be the same person as the court appointed legal guardian.

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Decision-Making Option	Compatible With	Not Compatible With
Representative Payee/ Fiduciary ⁵	Supported Decision-Making Agreement, Advance Medical Directive, Power of Attorney, DBHDS Authorized Representative, Limited Legal Guardian, Full Legal Guardian	Conservator
Conservator ⁶	Limited Legal Guardian, Full Legal Guardian, Durable Power of Attorney **, DBHDS Authorized Representative, Advance Medical Directive **	Supported Decision-Making Agreement, Representative Payee/ Fiduciary
Limited Legal Guardian ⁷	Conservator, Representative Payee/ Fiduciary, Advance Medical Directive **, Durable Power of Attorney **, DBHDS Authorized Representative ***	Supported Decision-Making Agreement
Full Legal Guardian ⁶	Conservator, Representative Payee/ Fiduciary, Advance Medical Directive **, Durable Power of Attorney **, DBHDS Authorized Representative ***	Supported Decision-Making Agreement

⁵ [Article 3.1 \(§ 64.2-116 et seq.\) of Chapter 1 of Title 64.2 of the Code of Virginia](#)

⁶ [Chapter 20 \(§ 64.2-2000 et seq.\) of Title 64.2 of the Code of Virginia](#)

⁷ [§ 64.2-2009 of the Code of Virginia](#)

** If an advance medical directive or a durable power of attorney was created while an individual had capacity or was legal competency, then their advance medical directive and/or durable power of attorney will stand even if they are later deemed legally incompetent or to lack capacity and have a court appointed legal guardian or conservator (court appointed authorized representative). These types of representatives cannot change the advance medical directive or the durable power of attorney without petitioning the court.

*** If an individual has a legal guardian (limited or full) and is receiving a DBHDS-licensed service, the DBHDS Authorized Representative appointed by the CSB and/or provider would need to be the same person as the court appointed legal guardian.