

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES



Provider Emergency/Urgent Care Guidelines

When faced with a healthcare situation for a person receiving services from the Department on Disability Services (DDS) who is in need of a court-appointed medical guardian, please ask:

Is this healthcare situation an EMERGENCY CARE situation?

- 1) Ask the treating physician (or the primary care physician) if this is a situation requiring **Emergency Care**: Immediate treatment, including diagnostic treatment, provided in response to sudden, acute, and unanticipated medical crisis in order to avoid injury, extreme pain, impairment, or death of the person. If the treating physician agrees that this is an EMERGENCY, ask him or her to complete, sign and notarize the Emergency Medical Affidavit.
- 2) Contact the DDS Case Management Coordinator and/or DDS Case Management Supervisor immediately and provide as much information as possible, as DDS is required to file a petition for an emergency guardian within **3** days.
- 3) Work with the Case Management Coordinator to obtain as quickly as possible the three original, signed and notarized affidavits: (a) the Medical Affidavit, (b) the Psychological Affidavit, and (c) the Emergency Medical Affidavit (from the treating physician, if possible, or the primary care physician otherwise).
- 4) **REMEMBER**, if this is a dire emergency that cannot wait for an emergency guardian to be appointed by the Probate Court, the treating physician (who also may be the primary care physician) should employ the two-professional rule from D.C. Official Code § 21-2212(c):
Emergency health care may be provided without consent to a patient who is certified incapacitated under § 21-2204 if no authorized person is reasonably available or if, in the reasonable medical judgment of the attending physician, attempting to locate an authorized person would cause: (1) A substantial risk of death; (2) The health of the incapacitated individual to be placed in serious jeopardy; (3) Serious impairment to the incapacitated individual's bodily functions; or (4) Serious dysfunction of any bodily organ or part.

Is this healthcare situation an URGENT CARE situation?

- 1) If the treating physician (or the primary care physician) does not think the situation is an emergency, but it still needs attention as quickly as possible OR, if in the reasonable judgment of a lay person, this situation requires attention as quickly as possible, then this is a situation requiring **Urgent Care**: Health care including, but not limited to, circumstances that do not rise to the level of an emergency, but nevertheless require expedited consideration.
- 2) Contact the Case Management Coordinator and/or Case Management Supervisor immediately and provide as much information as possible, as DDS is required to file a petition for a permanent limited guardian within **10** days. The Assistant Attorney General will likely ask for an expedited hearing to ensure that a guardian is in place as quickly as possible.
- 3) Work with the Case Management Coordinator to obtain as quickly as possible the two original, signed and notarized affidavits: (a) the Medical Affidavit, and (b) the Psychological Affidavit.

If this is not an Emergency Care or Urgent Care situation based on the answers to the questions above, please follow the procedures for the appointment of a permanent limited guardian for healthcare decisions.