

Proxy Care

A guide for individuals and families who want care in a home or community-based setting from someone they already know and trust

Are you thinking about how best to secure home care for yourself or for a loved one with a disability?

Do you want basic care and assistance from someone who already provides you with non-health related help?

In 2010, the Georgia General Assembly added to legislation on nursing to allow proxy caregivers to provide basic services to people – an alternative to getting care from nurses. Electing to receive care from a proxy allows many people to not only receive basic care from someone they already know, but it also enables many people – including the elderly and those with disabilities – to get assistance with medications or personal care outside of a hospital or long-term care facility.

This guide will walk you through the basics of proxy care: what it is, how you would use it and your rights under Georgia law.



What is a proxy caregiver?

A proxy caregiver is someone who is not a licensed medical professional, yet who performs “health maintenance activities” for someone who cannot perform those activities themselves. This person must be trained by a licensed health-care professional and be determined to have the necessary knowledge and skills needed to perform those activities.

Who acts as a proxy caregiver?

The proxy caregiver must be designated by the person receiving care or by someone legally authorized to act on their behalf – an individual cannot be forced to receive care from a proxy caregiver if they would prefer a licensed health-care professional perform those services for them. It is possible for a licensed agency to identify or suggest potential proxy caregivers from its own staff, but the individual or their representative must choose to receive care from that person, and fill out the consent form willingly.

Are you wondering whom you might designate as a proxy caregiver? This individual is typically a direct support person or personal care staff member – someone who helps you or a loved one manage a home or provides transportation, and who can also assist with basic health maintenance activities.

If you or you loved one are already receiving non-medical, paid assistance from someone in the home, consider talking to them about whether they would feel comfortable with taking on the additional role of a proxy caregiver. It is important to remember that family members can perform health maintenance activities without training, and without being designated as proxy caregivers – as long as that person is not being compensated for the care. Any person performing such activities while receiving pay, however, must be designated as a proxy caregiver and meet the requirements for training and qualification.

What can a proxy caregiver do?

“Health maintenance activities” are limited activities that, if not for their disability, a person could reasonably be expected to do for himself or herself. They are those basic functions that make up ongoing



care: assistance with medications, managing personal hygiene, cleaning a feeding tube, etc. They are things that do not include complex care like giving intravenous medications or complex wound care; do not require complex observations or critical decisions; can be safely performed and have reasonably precise, unchanging directions; and have outcomes or results that are reasonably predictable.

These activities are typically taught by a registered professional nurse, but may also be taught by an attending physician, advance practice registered nurse or physician assistant. The person who performs the training must verify that the proxy caregiver is proficient in the skills needed to care for the individual who has elected to receive care from a proxy. Such skills and knowledge would typically include proper reading of prescription labels and abbreviations, understanding common classifications of medications, typical side effects, infection control procedures and proper record keeping.

The activities performed by a proxy caregiver must be carried out as part of written orders issued by an attending physician, advance practice registered nurse, or physician assistant. This plan of care must provide

clear instructions for the proxy caregiver on what health maintenance activities may be performed, any specialized procedures to be performed and what kinds of changes in the individual’s condition would require changes to the plan of care. The plan must also specify the frequency of training and evaluation requirements for proxy caregivers. One requirement is additional training when the individual’s plan of care changes and the proxy caregiver ends up with additional duties for which she or he has not previously been trained.

Where can I or my loved one receive care from a proxy?

Proxy care cannot be provided in hospitals, nursing homes, or other Medicare-certified home health agencies or hospices. Other licensed facilities may permit the use of proxy caregivers as long as the person receiving care has filled out an informed consent form designating their caregiver.

Proxy caregivers may be hired by an individual, but they may also be hired by the licensed facility. If the licensed facility employs the proxy caregivers, the rules require the facility to let the resident and/or the resident’s representative know how proxy caregivers are used to deliver health maintenance activities in that facility and the general professional qualifications of the staff who supervise the proxy caregivers in the

licensed facility. (Licensed facilities are not required to employ nurses to supervise proxy caregivers that work for the licensed facility.)

Facilities must work out communication procedures between proxy caregivers – whether employed by the facility or employed by the individual receiving care – and facility staff in order to make sure that patients/residents/clients are receiving coordinated care.

How do I designate a proxy caregiver?

You must fill out an informed consent form (available on the back page of this guide or at dch.georgia.gov) identifying the unlicensed person you are designating. The form must also specify the activities to be performed by the proxy caregiver, an explanation that they are to be provided on the written orders of a licensed professional, and an acknowledgement that proxy caregivers are not licensed health-care professionals and that the patient assumes any associated risks.

Visit dch.georgia.gov for more information about proxy caregivers, what they can do, and what you need to do to designate one – including an informed consent form to fill out in order to designate a proxy caregiver.

(References: O.C.G.A. 43-26-12; dch.georgia.gov)

For further information on proxy care:

Visit dch.georgia.gov or http://dch.georgia.gov/vgn/images/portal/cit_1210/37/13/182745096Questions_About_Proxy_Caregiving_March2012.pdf for more detailed questions and answers. If you’re in doubt about how to conform to the law on proxy caregivers, or want to speak with someone who can answer a particular question, contact the Healthcare Facility Regulation Division at the Georgia Department of Community Health: dch.georgia.gov or by calling (404) 656-4507. A sample proxy consent form is on the back of this guide.

About the Georgia Council on Developmental Disabilities

The Georgia Council on Developmental Disabilities is a federally funded, independent state agency that serves as a leading catalyst for systems change for individuals and families living with developmental disabilities. Through public policy initiatives, advocacy programs and community building, GCDD promotes and creates opportunities to enable persons with disabilities to live, work, play and worship as an integral part of society.

Visit us on the web at GCDD.org; in person at 2 Peachtree St. NW, Suite 26-246, Atlanta, GA 30303; or by calling 404-657-2126 or toll free 888-275-4233.

Informed Consent for Proxy Caregiver to Perform Health Maintenance Activities

Client Name:		Client Phone #
Client Address	City:	State:
Client's Legal Representative Name:		Legal Representative's Phone #:

Understanding Benefits and Risks in Allowing Unlicensed Proxy Caregivers to Take Care of Me

Georgia law now permits me, as an individual with a disability to choose to allow unlicensed proxy caregivers who have been properly trained to perform health maintenance activities for me. Health maintenance activities are those health-related things I would normally do for myself, but for my disability. Typically, a registered nurse would teach me how to do these things as part of my ongoing care. However, I could also be taught by my attending physician, an advance practice registered nurse or a physician's assistant. My proxy caregivers will be taught by a licensed healthcare professional to do the health maintenance activities generally described below and more specifically listed on my written plan of care. Health maintenance activities are defined as those activities that have reasonably precise and unchanging directions, reasonably predictable outcomes and do not require complex observation skills or critical decisions. Health maintenance activities do not include things like administering medications by injection directly into the blood stream or taking care of a central intravenous line or a complex wound. **I understand that:**

1. using proxy caregivers may make it more affordable or convenient for me to receive health maintenance activities I need in the place I consider my home rather than in a more structured kind of healthcare facility, such as a nursing home, personal care home or hospital;
2. my proxy caregivers are not licensed healthcare professionals and have not had the same extensive training that licensed healthcare professionals receive;
3. there may be additional health risks in having unlicensed proxy caregivers do health maintenance activities for me since they may not recognize an important change in my medical condition that needs to be assessed or treated by a licensed healthcare professional;
4. I am consenting to my medical information being shared with my proxy caregivers to be trained to provide care to me;
5. the attending physician, an advance practice registered nurse or a physician's assistant whose orders or written plan of care allow health maintenance activities to be performed for me is not responsible for my proxy caregivers' negligent performance of those activities unless the proxy caregivers are employed by the physician, advance practice registered nurse or physician's assistant to perform the health maintenance activities for me;
6. it is my responsibility, or a person legally authorized to act on my behalf, to notify the licensed healthcare professional to arrange for any additional training and evaluation if the health maintenance activities listed on my written plan of care change;
7. my consent for proxy caregivers to perform health maintenance activities for me may be revoked at any time either orally or in writing by notifying the designated proxy caregiver or licensed healthcare professional involved with my care.

My Health Maintenance Activities:

I give my consent for my proxy caregivers to do the following health maintenance activities for me. These health maintenance activities may be further explained on my written plan of care.

My Proxy Caregivers:

I give my consent for the following proxy caregivers to do the health maintenance activities listed above for me.

Signature of Client or Person Legally Authorized to Act on Behalf of the Client Consenting to Use of Proxy Caregivers:

My Signature Consenting:	Date:
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**Legal Representative's Signature:
(Circle Legal Authority Below If Applicable)**

Address of Person Signing (if different from Client's)

1. Advance Directive for Healthcare	2. Married Person for Spouse	3. Parent for Minor Child	4. Person Standing in Loco Parentis, Guardian for Ward	5. Female in relation to pregnancy/birth	6. Adult Child for Parent
7. Parent for Adult Child	8. Adult for Sibling	9. Grandparent for grandchild	10. Adult grandchild for grandparent	11. Adult niece, nephew, aunt, uncle (1 st degree)	12. Adult friend

13. Temporary Consent-Guardian