

DIVISION OF GUARDIANSHIP Removal of a Bodily Organ, Amputation of a Limb, Sterilization or Abortion, ECT and Psychosurgery	DGS-GField-15
Effective Date: March 29, 2010 Revision Date: April 27, 2021 Revision History: October 3, 2012; June 1, 2016	Page 1 of 3

Policy Statement:

If the Cabinet has the legal authority to make health care decisions, the Guardianship Field Services Office Supervisor (GFSOS) or Guardianship Social Services Worker (GSSW) may assume responsibility for securing and giving consent for health services and care. Immediate family members may be informed of pertinent health issues and may give input into health decisions.

Legal Authority:

- [KRS 387.660\(3\) Specific powers and duties of guardian](#)
- [KRS 202A.051 Proceedings for 60-day and 360-day involuntary hospitalizations -- Petition contents](#)
- [Title 922 Chapter 5 Regulation 170 • Kentucky Administrative Regulations • Legislative Research Commission](#) (Section 13)

Procedure:

- (1) Unless emergency surgery or treatment is necessary to preserve the individual’s life or prevent serious impairment of the individual’s health, the Guardianship Field Services Office Supervisor (GFSOS) or Guardianship Social Services Worker (GSSW), or designee, shall obtain court approval for the removal of a bodily organ, the amputation of a limb, sterilization, or abortion.
- (2) Gender reassignment surgery and hormone therapy for gender reassignment shall require court approval.
- (3) The GSSW or designee shall inform the healthcare provider that at any time the situation becomes an emergency they may proceed without a court order as follows:
 - (a) The physician/psychiatrist provides an affidavit of emergency need and the time table for the procedure to be performed;
 - (b) The GSSW notifies the GFSOS of the physicians notification of the need to perform emergency surgery to preserve the life or prevent serious impairment of the physical health of an individual under guardianship;
 - (c) The GFSOS or designee shall notify the Branch Manager of the emergent need;
 - (d) The GSSW, or designee documents the emergency need in the KYGFIS, including a timetable for the procedure to be performed and the affidavit of emergency need from the physician
 - (e) If needed, the GFSOS or designee may request a second opinion and an

DIVISION OF GUARDIANSHIP Removal of a Bodily Organ, Amputation of a Limb, Sterilization or Abortion, ECT and Psychosurgery	DGS-GField-15
Effective Date: March 29, 2010 Revision Date: April 27, 2021 Revision History: October 3, 2012; June 1, 2016	Page 2 of 3

affidavit from the second physician/psychiatrist.

- (f) After review of the affidavit(s) the GFSOS shall authorize as an emergency procedure as appropriate.
- (4) In order to obtain approval of the court, The GSSW obtains written statements from two (2) physicians or two (2) psychiatrists for mental health needs, who are licensed in Kentucky or in the state in which the guardianship individual is residing and who have evaluated the individual under guardianship. The statement shall to include the following:
 - (a) Individual's name;
 - (b) Date when the statement was written;
 - (c) Physician's name, contact information and signature;
 - (d) Date the physician last evaluated the individual's condition;
 - (e) Procedure to be performed;
 - (f) Person who will perform the procedure;
 - (g) Location where the procedure will be performed;
 - (h) Date the procedure needs to be performed;
 - (i) Individual's prognosis if the procedure is performed;
 - (j) Individual's prognosis if the procedure is not performed;
 - (k) Risks of performing the procedure;
 - (l) Physician's/Psychiatrist's professional opinion as to why the benefits of having the procedure outweigh the risks involved; and,
 - (m) Alternative and less intrusive procedures/treatments that have been performed, if applicable.
- (5) The GFSOS, GSSW, or designee, prepares a written request to the Branch Manager, or designee, for legal assistance that includes the:
 - (a) Individual's name;
 - (b) Copy of appointment order and disability judgment;
 - (c) County having current jurisdiction over the case;
 - (d) Court's case number;
 - (c) Procedure to be performed;
 - (d) Reason the procedure needs to be performed;
 - (e) Person who will perform the procedure;
 - (f) Location where the procedure will be performed;
 - (g) Date the procedure needs to be performed;
 - (h) Reference to the two (2) physicians/psychiatrist's who support the need for the procedure; and,
 - (k) Request for the Office of Legal Services (OLS), legal assistance form.
- (6) The Branch Manager, or designee reviews and forwards to the division director, or designee

DIVISION OF GUARDIANSHIP Removal of a Bodily Organ, Amputation of a Limb, Sterilization or Abortion, ECT and Psychosurgery	DGS-GField-15
Effective Date: March 29, 2010 Revision Date: April 27, 2021 Revision History: October 3, 2012; June 1, 2016	Page 3 of 3

- (7) If the motion and order have been received, the GSSW files the following information with the District Court having jurisdiction in the case:
 - (a) The Motion and Order prepared by the Office of Legal Services;
 - (b) The two (2) physicians'/psychiatrists statements;
 - (c) The AOC-775, Order of Appointment of Guardian; and,
 - (d) The AOC-785, Disability Judgment.
- (8) If required by the court having jurisdiction, the GSSW attends the hearing on the Motion and Order.
- (9) If requested by the provider, a copy of the signed order is provided to the hospital.
- (10) The GSSW grants permission for the procedure that has been approved by the court.
- (11) The GFSOS, or designee, documents the process in KYGFIS, scans and attaches all affidavits and other documentation to the event.
- (12) The GFSOS, or designee, includes the above information in the next annual report to the Court.