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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
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MEMORANDUM

To: All Members of the House of Representatives
From: Representative Austin Davis
Date: February 19, 2019
Subject: Guardianship in Mental Health Care

Incapacitated individuals for whom a guardian is appointed require personal care and attention to ensure that the physical and mental health services they receive are adequate. Unfortunately, Pennsylvania law makes it extremely difficult for guardians to play an active role in the care of an individual who has been involuntarily committed to a mental health care facility. As such, I am introducing legislation that would prohibit the interests of a facility from superseding those of guardians and their wards.

Currently, a guardian's ability to make mental health care decisions on behalf of an incapacitated ward are essentially nullified if the ward is involuntarily committed to a mental health care facility. Once committed, the interests and decisions of the facility take precedence over those of the guardian. As guardians often have a far more personal connection to the ward, they must be allowed to have an active say in their ward's mental health treatment, even in cases of involuntary commitment.

Please join me in supporting this legislation to ensure that incapacitated patients throughout the Commonwealth receive the highest quality of care that is in their best interest. Thank you for your consideration.