

## **.08-1 Resident's Representative.**

A. A comprehensive or extended care facility shall recognize the authority of:

- (1) A guardian of the person under Estates and Trusts Article, § 13-705, Annotated Code of Maryland;
- (2) A guardian of the property under Estates and Trusts Article, § 13-201, Annotated Code of Maryland;
- (3) An advanced directive that meets the requirements of Health-General Article, § 5-602, Annotated Code of Maryland;
- (4) A surrogate decision maker with authority under Health-General Article, § 5-605, Annotated Code of Maryland;
- (5) A power of attorney that meets the requirements of Estates and Trusts Article, § 13-601, Annotated Code of Maryland;
- (6) A representative payee or other similar fiduciary; or

(7) To the extent permitted by Maryland law, any other individual, if that individual was designated by a resident who was competent at the time of designation.

B. A facility shall require documentation or other appropriate verification of the authority of a resident's representative. A facility may not recognize the authority of a resident's representative if the representative attempts to exceed the authority:

- (1) Stated in the instrument that grants the representative authority; or
- (2) Established by State law.

C. A facility shall:

- (1) Document in the resident's record the name of the individual, if any, with authority identified in §A of this regulation; or
- (2) Include the documentation in the record.