

4.6 No Admission by Health Care Power of Attorney

The statute granting the power to a health care agent appointed pursuant to a health care power of attorney to “authorize the giving or withholding of mental health treatment” does not include a similar provision for substance abuse treatment. *See* G.S. 32A-19(a). Likewise, the statutory form for a health care power of attorney, although broad, does not grant authority to consent to substance abuse treatment. *See* G.S. 32A-25.1. A health care agent could consent to medical treatment required as a result of substance abuse, subject to any limitations in the health care power of attorney placed on the authority of the agent to consent to medical care.

A person who lacks sufficient understanding or capacity to make or communicate decisions regarding treatment may be the subject of an involuntary substance abuse commitment proceeding. *See supra* Chapter 3.