

Office of Substitute Decision Maker

The Office of Substitute Decision Maker (OSDM) was established to create a statewide network of substitute decision makers who provide substitute decision-making services as a last resort; only where no other substitute decision maker is available. The general assembly has recognized that many adults in Iowa are unable to maintain their physical health or manage essential aspects of their financial resources and are in need of substitute decision-making services.

Without a substitute decision maker, the adult is at risk of:

- Abuse, exploitation, and scams;
- Medical or financial crisis caused by the lack of a substitute decision maker;
- Loss of home or savings; and
- Being trapped at a costly and inappropriate level of care.

OSDM could assist by providing:

- An advocate to protect and ensure safety;
- Access to needed services to those who cannot consent;
- Alternatives to inappropriate or poor decision makers; and
- Assistance in planning for incapacity.

Who does OSDM serve?

Adults of all ages who might be in need of a decision maker, but do not have access to one.

When (in what circumstances) does OSDM provide services? OSDM is designed as an office of *last resort*. OSDM would intervene in the following circumstances:

- No willing and reasonable person is available to serve as a private substitute decision maker;
- The adult does not have adequate income or resources to compensate a private substitute decision maker;
- The appointed guardian or conservator is not fulfilling prescribed duties; or
- The appointed substitute decision-maker is financially exploiting or otherwise abusing the adult.

What services does OSDM provide?

In addition to serving as substitute decision maker (guardian/conservator/representative payee/attorney-in-fact/personal representative), OSDM also provides:

- Assistance to individuals in finding alternatives to substitute decision-making services and less-intrusive means of assistance;
- Assistance to public and private substitute decision makers throughout the state to secure necessary services for their wards, principals, clients, and decedents;
- Assistance to substitute decision makers, wards, principals, clients, courts, and attorneys to ensure orderly and expeditious handling of substitute decision-making proceedings.



Re-establishing an Office of Substitute Decision Maker

As many of you know, substitute decision making options in Iowa are few. Substitute Decision Makers serve as guardians, conservators, representative payees, and attorney-in-facts under powers of attorney.

As Long-Term Care Ombudsmen, our office regularly receives calls from facilities asking for assistance in locating someone to serve as a substitute decision maker. There are only a few organizations and individuals that provide these services and most charge a fee. Unfortunately, there is currently no statewide organization that provides this service. Although no organization or office currently serves in a statewide capacity, there is an Iowa law, Iowa Code 231E, which would allow for the establishment of an Office of Substitute Decision Maker. This office would serve as a decision maker of last resort for individuals who had no one else to act in this capacity.

The Office of State Long-Term Care Ombudsman believes that the Office of Substitute Decision Maker would serve as a valuable resource to residents, tenants, and all individuals who need accurate information on guardianships, conservatorships, and powers of attorney.

If you feel strongly that an Office of Substitute Decision Maker (OSDM) is needed, there are ways you can help.

- Work with your association and inform them that this is a concern to you and your organization;
- Contact your local state legislators to support passage and full funding of the Office of Substitute Decision Maker;
- Share specific examples with legislators of instances when a substitute decision maker was needed but not available. If e-mailing your legislators, forward your concerns along with the [OSDM fact sheet](#). (E-mail addresses are available on the Legislative Services website, <https://www.legis.iowa.gov/Legislators/find.aspx>)

The Office of Substitute Decision Maker could provide the needed service of a substitute decision making when no one else is available or appropriate.

Your assistance in achieving this goal would be appreciated.