

Who can make medical treatment decisions: Identifying your Medical Treatment Decision Maker

“I will ask my youngest child to be my MTDM. She knows me best, and I trust her to make the same decisions as I would.”

If you are able, you should make your own decisions about your medical treatment. You may need some support to do this. Many people are supported by family or friends. You can also appoint a [Support Person](#).

In Victoria, the person who can make decisions for you is called a Medical Treatment Decision Maker. They can only make decisions if you are unable to do so. If you temporarily lose the ability to make decisions and then recover, the role of the Medical Treatment Decision Maker ceases when you recover.

Who is the Medical Treatment Decision Maker (MTDM)

Your [Medical Treatment Decision Maker](#) is the first person on this list who is available, willing, and able to make medical treatment decisions.

1. Someone **appointed** by you to be your MTDM;
2. Someone **appointed** by VCAT (Victorian Civil & Administrative Tribunal) to be your MTDM;
3. The first of the following**, who is in a close & continuing relationship with you:
 - a. Spouse or Domestic Partner
 - b. Carer (not a paid carer)
 - c. Adult child
 - d. Parent
 - e. Adult brother or sister

** Where there are two or more in the same position (e.g. you have three children), it is the oldest who is the MTDM.

Is the MTDM different from the Next of Kin (NOK)?

Yes. You can see from the list above that the MTDM might not be related to the person at all. For example, they might be a close friend. They might also be related, but not be a near relative.

Avoid the term, Next of Kin, when discussing who can make medical treatment decisions for another person. The Law only uses the term Medical Treatment Decision Maker (MTDM) for this.

The MTDM must stand in your shoes to make the decision that they believe you would, if able:

- They should consent to the treatment you would consent to
- They should refuse treatment that you would refuse

You should particularly consider appointing an MTDM if:

1. Your non-appointed MTDM from the list above is not the person you prefer to make medical decisions for you.
2. You have no one on the list above. You may still have people who know you well and whom you would trust to make your medical decisions if you were unable to. You should appoint one or more of these people as your MTDM rather than relying on someone who doesn't know you to make decisions.
3. Your family situation is complex, and there could be confusion over who your MTDM is.