



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

JOYCE MASSEY-SMITH, MPA

Director, Division of Aging and Adult Services

January 15, 2021

DEAR COUNTY DIRECTOR OF SOCIAL SERVICES

ATTENTION: ADULT SERVICES SUPERVISORS, PROGRAM ADMINISTRATORS

SUBJECT: COVID-19 Vaccination for Individuals Under Guardianship

REQUIRED ACTION: Information Only Time Sensitive Immediate

The Division of Aging and Adult Services (DAAS) thanks you and your staff for your ongoing dedication to protect vulnerable adults during this challenging time. As you execute your responsibilities as public guardian, NC DHHS has provided below excerpts from NC General Statute and NC DHHS Guardianship Policy that are relevant to medical consent for the COVID-19 vaccination.

- NC General Statutes - Chapter 35A-1241 “The guardian of the person may give any consent or approval that may be necessary to enable the ward to receive medical, legal, psychological, or other professional care, counsel, treatment, or service. The guardian of the person may give any other consent or approval on the ward's behalf that may be required or in the ward's best interest.” This would include consenting for receipt of the COVID-19 vaccination.
- Each ward is unique and so is the decision-making process. Therefore, it is important to remember that like other decisions made on the ward's behalf, decisions about medical treatment must be for the benefit of the ward.
- It is important to remember that the decision-making authority is the guardian's and the guardian should gather as much information as is needed in order to make an informed decision.
- Although the ward may not retain certain legal rights, the guardian is authorized to afford the ward the opportunity to exercise those rights that are within the ward's comprehension and judgment.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF AGING AND ADULT SERVICES

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Timely authorization by the Guardian or designee to receive the COVID-19 vaccine should be provided for all individuals under guardianship, unless there is an identified medical contraindication to receive the vaccination. The guardian should take all information under consideration to make the best decision for each individual and ensure all this information is documented in the adult's case record. Concerns with the COVID-19 vaccine may stem from the individual's history of a past allergic reaction or previous vaccine reactions. Although you may seek expert consultation, consent for the vaccine is the responsibility of the guardian.

NC DHHS is working hard to keep all North Carolinians informed so everyone has a spot to take their shot against COVID-19. Along with leading medical and professional organizations, we are encouraging all individuals to get vaccinated unless not medically indicated.

As the vaccine rollout continues, NC has a goal to vaccinate as many people as quickly as possible by providing accurate and timely communication to protect the health and well-being of all North Carolinians. These [resources](#) help to keep communities informed about the safety and effectiveness of the vaccines, as well as direct them to local [vaccination sites](#).

DAAS provided training on COVID-19 vaccines, to include guidance on individuals under guardianship, at the Adult Service Committee on January 13, 2021. There is a presentation on the NC Vaccination Plan scheduled for the 100 County Director Call on January 20, 2021 at 9:00. If you need further guidance and/or trainings, please contact the Adult Services Listserv at DAAS.AdultServices@dhhs.nc.gov or your Adult Programs Representative for further assistance.

We appreciate your partnership to help ensure this vulnerable population receives the COVID-19 vaccine. Thank you for your continued support during North Carolina's pandemic response.

Sincerely,

Joyce Massey-Smith | kjs

Joyce Massey-Smith,
Director
Division of Aging and Adult Services

Karey Perez

Karey Perez,
Adult Services Section Chief
Division of Aging and Adult Services

Cc: Tara Myers, Deputy Secretary for Human Services
Susan G. Osborne, Assistant Secretary for County Operations
Lisa Cauley, Child and Adult Services