1. PURPOSE
   1. This policy describes the Organization’s determination of which individuals are:
      1. Legally Authorized Representatives (LARs)
      2. Children
      3. Guardians
2. POLICY
   1. When research is conducted in ­­­­­­­Texas, the following individuals are Legally Authorized Representatives:
      1. Legal guardian with the authority to make decisions regarding medical treatment
      2. Person designated as a surrogate decision-maker by the patient in a medical power of attorney or Advance Directive
      3. In the absence of either of the above, an individual from the following list, in order of priority, who is available after a reasonably diligent inquiry, may consent on behalf of the patient:
         1. Spouse (including a common law spouse)
         2. Adult child who has the waiver and consent of all other qualified adult children to act as the sole decision-maker
         3. A majority of the reasonably available adult children
         4. Parents
         5. Individual clearly identified to act for the subject by the subject before the subject became incapacitated
         6. Nearest living relative
         7. A member of the clergy
   2. For research outside ­­­­­­­Texas, legal counsel determines which individuals are Legally Authorized Representatives
   3. When research is conducted in ­­­­­­­­­­­­­­Texas individuals under the age of 18 years are Children with the exception:
      1. Individuals under 18 years of age on active duty with the armed services of the United States of America
      2. Individuals 16 years of age or older, residing separate and apart from the his/her parents, managing conservator, or guardian (with or without consent and regardless of duration), and managing his/her own financial affairs (regardless of the source of the income)
      3. Individuals under 18 years of age seeking the diagnosis and treatment of an infectious, contagious, or communicable disease that is required by law or a rule to be reported by the licensed physician or dentist to a local health officer or the Texas Department of Health, including all diseases within the scope of Section 81.041, Health and Safety Code
      4. Individuals under 18 years of age who are unmarried and pregnant and the research involves treatment related to the pregnancy, other than abortion
      5. Individuals under 18 years of age seeking an examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use
      6. Individuals under 18 years of age serving a term of confinement in a facility of the Texas Department of Criminal Justice
   4. For research outside ­­­­Texas, legal counsel determines which individuals are Children.
   5. Individuals who can document that they are legally authorized to consent on behalf of the child to general medical care may serve as a Guardian. Before obtaining permission for a child to take part in research from someone who is not a parent, contact legal counsel.
3. REFERENCES
   1. None