

Substitute Decision Makers and Naming an Attorney for Personal Care



UHN

Information for UHN patients and their family members

Sometimes a person can become incapable of making healthcare decisions because of an illness or an accident. It is important to understand how your healthcare team will make decisions about your personal care if this were to happen to you.

This booklet will help you to understand more about:

- Substitute Decision Makers (SDM)
- Naming an Attorney for Personal Care
- Why your UHN healthcare team needs to know your information

What is a Substitute Decision Maker (SDM) and why is this important to me?

If you were incapable of making decisions about your own personal health care, the law says that your doctor and other healthcare providers must get consent from your SDM before taking action.

- Your SDM's role is to make personal care decisions for you consistent with your expressed wishes
- When your wishes are not known or do not apply to your healthcare situation, your SDM's role is to make a decision for you in your best interests.

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Who will be my SDM if I am incapable of making healthcare decisions?

You do not need to name your SDM as this person (or people) has already been determined by law. Your doctor must start with the **first person on the list below**. If there is no such person, or if this person is not able, willing, or available to make personal care decisions for you, your doctor must ask the next person on the list.

- An Attorney for Personal Care with the authority to give or refuse consent to treatment
- A representative appointed by the Consent & Capacity Board
- A spouse or partner
- A child (over 16 years of age) or parent
- A parent with right of access only
- A sibling (brother or sister)
- Any other relative (related by blood, marriage or adoption)
- The Office of the Public Guardian and Trustee is the decision maker of last resort if no other person is capable, available, or willing to give or refuse consent

You should know that you could have more than one SDM at a time. For example, if you have two children, they will be equally responsible for making decisions about your care, and they need to make the same personal care decisions for you at the same time.

What if I want to name exactly who will make health decisions for me?

If you want to name who your SDM will be, you can choose the person (or people) you prefer and legally make them (appoint them) your Attorney for Personal Care. An Attorney for Personal Care is someone you trust and choose to make health decisions for you, if you are incapable of making them for yourself. This person (or people) could be someone from the list above, or you may choose someone else, such as a close friend, member of your extended family, or neighbour.

How do I name an Attorney for Personal Care?

To name someone as your Attorney for Personal care, you need to make a **Power of Attorney for Personal Care**. This is a legal document that gives someone you trust the authority to make health care decisions for you, if you are incapable of doing so. When the document is complete, the **Attorney for Personal Care** it names will become your substitute decision maker.

If you have appointed an Attorney for Personal Care, your healthcare team will contact this person first to make health decisions for you, if you are incapable of making them for yourself.



Naming an Attorney for Personal Care gives you a chance to say what you want and, what you do not want for your health care, so it is important that you talk with your Attorney for Personal Care about your wishes.

- For example, if you become very ill and do not want certain medical treatments, tell your Attorney for Personal Care about this.
- Before such situations happen, you can write down these types of wishes in an **Advance Directive** to make them clear to your Attorney for Personal Care and the healthcare team.

Who can I name to be my Attorney for Personal Care?

- You can choose anyone you like, but they **cannot be**:
 - Someone who is under 16 years of age
 - Someone who is mentally incapable
 - Someone who is paid to give you health care or other support services.

You can name more than one person as your Attorney for Personal Care, but all your attorneys must agree before a decision can be made for you, unless you say otherwise.

How do I get the Attorney for Personal Care paperwork?

There are many ways you can get the papers you need to name your Attorney for Personal Care.

- You can contact a lawyer to help you make a Power of Attorney for Personal Care.
- You can get a Power of Attorney for Personal Care kit by logging on to <http://www.attorneygeneral.jus.gov.on.ca/english/family/pgt/poakit.asp> or by calling 1-800-366-0335; (416) 314-2800 in Toronto
- The UHN has Power of Attorney for Personal Care kits. You can find one of these:
 - On the UHN website at http://www.uhn.ca/Clinics_&_Services/services/bioethics/resources.asp
 - In the Social Work office (see contact numbers listed in this brochure)
 - In the Pre-Admissions Clinics at TGH and TWH
- If you are an in-patient at UHN, a hospital social worker on your unit can help you to get this paperwork and answer any questions you may have, but please note that UHN staff cannot sign the document as a witness.

When should I give my Attorney for Personal Care information to my healthcare team?

- If you need to come to the UHN for care (such as a visit to the Emergency Department, or the Admitting Department) and you have named an Attorney for Personal Care, please give your healthcare team the name and telephone number of this person **as soon as you can**
- Give your healthcare team a **copy** of your Power of Attorney for Personal Care document
- Give a copy of your Power of Attorney for Personal Care document to your Attorney for Personal Care, beforehand, so that they can give it to healthcare workers if needed.

Where will my healthcare team record my Attorney for Personal Care information?

Any Attorney for Personal Care information you give us will be recorded in your personal and private health record. This way all healthcare workers who are part of your care will be able to get it quickly, if needed.

How will my healthcare team use my Attorney for Personal Care information to help me?

If you are incapable of making healthcare decisions for yourself, the healthcare team will use your Attorney for Personal Care information you provided when you came to the hospital. They will talk to this person (or people) about your plan of care, treatments, procedures and wishes. Then, your Attorney for Personal Care will make decisions for you about your care.

What else should I know or do? Who can I talk to if I have questions?

UHN wants to make sure that you have the person you want making decisions for your healthcare. Please remember to tell the team if you have an Attorney for Personal Care and who this person is. You may also wish to share this with someone close to you who may also be able to give this information to your healthcare team if needed.

UHN has several team members who can help you to learn more about Substitute Decision-Making. Call them anytime, or ask a healthcare team member to call for you.

UHN Social Work and Discharge Planning Offices

Toronto General Hospital: 416-340-4800 x 5969
Toronto Western Hospital: 416-603-5800 x 6461
Princess Margaret Hospital: 416-946-2000 x 4971

UHN Bioethics Program

Toronto General Hospital and Princess Margaret Hospital: 416-340-4800 x 8750
Toronto Western Hospital: 416-603-5800 x 2521

For free booklets on Substitute Decision making, Attorney for Personal Care or Advance Care Planning, feel free to also contact:

UHN Patient & Family Libraries

Toronto General Hospital – Eaton lobby, ground floor, room 216

- 416-340-4800 x 5951
- email: tgpen@uhn.on.ca

Princess Margaret Hospital – Main atrium lobby

- 416-925- 4501 x 5090

- email: patienteducationpmh@uhn.on.ca
Toronto Western Hospital – West wing, 1st floor, room
- 416-603-5800 x 6277
- email: twpfl@uhn.on.ca

Helpful links and resources

“Power of Attorney for Personal Care” - Community Legal Education Ontario (CLEO)
<http://www.cleo.on.ca/english/pub/onpub/PDF/health/power.pdf>

“A Guide to Advance Care Planning” booklet – Ministry of Health and Long Term Care (MOHLTC)
Focused on seniors - Includes wallet card
<http://www.citizenship.gov.on.ca/seniors>

Definitions

Advance Care Planning is what we call the process of thinking about, talking about and writing down:

- a) What medical treatment and care you would want or not want if you were not capable of telling health care providers these wishes. You can give these wishes in an Advance Directive.
- b) Who you trust to pass on your wishes and make health care decisions for you when you are incapable of doing so. You can name this person in a Power of Attorney for Personal Care.

An **Advance Directive** is a document that informs your Substitute Decision Maker in telling health care providers what medical treatment and care you would and would not want.

An **Attorney for Personal Care** is someone you trust and legally appoint to make health care decisions for you, if you are incapable of doing so.

A **Power of Attorney for Personal Care** is a legal document that gives someone you trust the authority to make health care decisions for you when you are incapable of doing so. This Attorney for Personal Care becomes your substitute decision maker.

A **Substitute Decision-Maker (SDM)** is a person who can legally give or refuse consent to a treatment on behalf of a person who is incapable of making decisions about the treatment.

Incapable means being unable to understand or make decisions about your personal health care situation.

