

SUMMARY OF DECISION-MAKING AUTHORITY FOR INCAPABLE ADULTS
(including changes resulting from *Adult Guardianship and Planning Statutes Amendment Act, 2007*)
As at August 18, 2015

POWERS	ADULT CHOOSES				OTHERS APPOINT		
	Representative (section 9)	Representative (Section 7)	Attorney	Advance directive consistent with requirements of <i>HCCCFAA</i>	Temporary Substitute Decision Maker (TSDM) family member, friend	Property Guardian NOT YET IN FORCE currently Committee of Estate	Personal Guardian NOT YET IN FORCE currently Committee of Person
financial	NO	YES	YES	NO	NO	YES	NO
legal	NO	YES	YES	NO	NO	YES	NO
health care	YES	YES	NO	YES	YES	NO	YES
personal care	YES	YES	NO	NO	NO	NO	YES

This document is for information and education. It is not legal advice. For more information contact:

- BC's Office of the Public Guardian and Trustee website:
<http://www.trustee.bc.ca/>
- Personal Planning Resource Centre website:
<http://www.rarc.ca/textual/home.htm>
- British Columbia legislation: *Representation Agreement Act, Patients Property Act, Adult Guardianship Act, and Health Care (Consent) and Care Facility (Admission) Act*, Power of Attorney Act <http://www.qp.gov.bc.ca/statreg/>



SUMMARY OF HEALTH CARE DECISION-MAKING AUTHORITY FOR INCAPABLE PATIENT

Who can give consent?	Who authorizes them?	What authority do they have?
NON-EMERGENCY/NOT URGENT:		
Committee of Person	judge (court order) — upon application by someone	Check court order: otherwise, same as Rep. additional powers.
Personal Guardian NOT YET IN FORCE	judge (court order) — upon application by someone	Check court order: otherwise, same as Rep. additional powers.
Representative	patient in a Representation Agreement.	Check agreement: Standard powers (Sec. 7) <ul style="list-style-type: none"> ▪ Minor & major health care ▪ Other types by majority agreement with medical team and family. Additional powers (Sec. 9) <ul style="list-style-type: none"> ▪ Final say on refuse life support ▪ Consent even if patient refuses ▪ Extreme treatments including ECT, abortion etc. ▪ In future, only health and personal care decisions
patient's advance directive if: <ul style="list-style-type: none"> ▪ no Rep. or Personal Guardian ▪ document consistent with requirements of HCCCFAA 	patient in advance directive	consent/refuse consent to health care as specified in advance directive
Family member/friend as a TSDM from following ranked list: <ul style="list-style-type: none"> ▪ the adult's spouse ▪ the adult's child ▪ the adult's parent ▪ the adult's brother or sister ▪ the adult's grandparent ▪ the adult's grandchild ▪ anyone else related by birth or adoption to the adult ▪ close friend of the adult ▪ a person immediately related to the adult by marriage 	health care provider according to list in <i>Health Care Consent Act</i> and criteria: <ul style="list-style-type: none"> ▪ 19 years or older ▪ capable of making decision ▪ contact within last 12 months ▪ no dispute with individual 	<ul style="list-style-type: none"> ▪ For decision-at-hand. ▪ Minor & major health care ▪ ECT & abortion with extra safeguards (see Act) ▪ Refuse life support if majority agree medically appropriate, other family, adult's wishes.
Staff person of licensed facility.	Public Guardian & Trustee	Minor health care.
Public Guardian & Trustee	Public Guardian & Trustee	Like TSDM and per PGT policy
EMERGENCY/URGENT:		
Representative or Committee of Person if either is available and willing to consent	patient (in Representation Agreement) or by judge (court order)	Health care provider can treat if Rep. or Committee refuses if believes Rep. or Committee is not acting according to duty. (HCCCFAA 12.2)
patient's advance directive if: <ul style="list-style-type: none"> ▪ no Rep. or Personal Guardian ▪ document consistent with requirements of HCCCFAA 	patient in advance directive	consent/refuse consent to health care as specified in advance directive
Health care provider if no Rep. or Committee available. Where possible, get 2 medical opinion.	Health Care Consent Act	Must not treat if reason to believe prior capable wish was to refuse and wish was made when capable, 19 or older and applies to circumstance. (HCCCFAA 12.1)