

<p><b>Legal consent to accept or refuse healthcare:</b> Patient; if not capable → Representative; if none → Advance Directive; if none → TSDM; if none → Public Guardian &amp; Trustee</p>	<p><b>Representation Agreement (RA) 9: Enhanced</b></p> <ul style="list-style-type: none"> <li>▪ Patients must be legally competent</li> <li>▪ Most comprehensive for <b>health &amp; personal care</b></li> <li>▪ Representative must be 19 years or older</li> <li>▪ <b>Does not</b> address legal &amp; financial issues: need EPA or RA-7</li> <li>▪ Representative assists or acts on another's behalf to make decisions according to their <b>wishes, values &amp; beliefs</b></li> <li>▪ Recommended to appoint an alternate representative</li> <li>▪ Representative can access health records, talk with providers &amp; assist in decisions whether patient is competent or not</li> <li>▪ No legal professional required</li> </ul>
<p><b>A Will</b></p> <ul style="list-style-type: none"> <li>▪ Patients must be legally competent</li> <li>▪ Designates beneficiary(ies)</li> <li>▪ Jointly owned property automatically transferred to surviving owner</li> <li>▪ Appoints an executor</li> <li>▪ If no Will, court appoints Administrator. Will result in modest delay and cost</li> <li>▪ It is advisable to make a Will with a lawyer</li> </ul>	<p><b>Representation Agreement (RA) 7: Standard</b></p> <ul style="list-style-type: none"> <li>▪ No EPA or RA-9 AND patient becomes incompetent</li> <li>▪ Addresses           <ul style="list-style-type: none"> <li>&gt; Routine financial &amp; legal aspects</li> <li>&gt; Minor &amp; major health care</li> <li>&gt; Personal Care (Home care / Placement)</li> </ul> </li> <li>▪ Representative <b>cannot</b> make decisions for others that involve refusing life support or life-prolonging medical interventions</li> <li>▪ No specific criteria for capability (like EPA, RA-9, Will)</li> <li>▪ No legal professional required</li> </ul>
<p><b>Essential Agreements in GREEN</b></p>	
<p><b>Initiating the ACP Conversation:</b>          "The best time to think about ACP is when you are well &amp; are able to make decisions in a calm state of mind".          "I want to give you the best care possible. Talking about your wishes will help me to do that".          "There are a lot of misconceptions around ACP documents like living wills, advance directives, POAs..."          "It's good to hope for the best but plan for the worst ..."</p>	

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<p><b>Temporary Substitute Decision Maker (TSDM)</b></p> <ul style="list-style-type: none"> <li>▪ Is used when someone is incompetent and has no representation agreement</li> <li>▪ TSDM must be 19 years or older, competent, have no dispute, and had contact in past year</li> <li>▪ Chosen from a list in specific order</li> <li>▪ Temporary: specific decision requires consent</li> <li>▪ Does not cover personal care matters or legal or finances</li> <li>▪ Has no legal standing and the TSDM can only provide non-binding input, for example: Can only refuse consent for life support if the majority of the medical team agrees it's medically appropriate</li> </ul>	<p><b>Advanced Directive</b></p> <ul style="list-style-type: none"> <li>▪ Patients must be legally competent</li> <li>▪ Is a legal document in BC since Sept 1, 2011</li> <li>▪ Provides specific instructions <b>about healthcare treatments only</b> (not personal, legal or financial)</li> <li>▪ Law does not provide language to frame wording</li> <li>▪ My Voice provides a template</li> <li>▪ An Advance Directive can supersede the representative's decision</li> <li>▪ It is advised to develop an Advanced Directive with a lawyer</li> </ul>
<p><b>Enduring Power of Attorney (EPA) - Capability Requirements</b>          The Power of Attorney Act says that, to make an EPA, you must understand all of the following:</p> <ol style="list-style-type: none"> <li>1. The property you have and its approximate value</li> <li>2. The obligation you owe to your dependents</li> <li>3. That your attorney will be able to do on your behalf anything in respect of property that you could do if capable, except make a Will, subject to the conditions and restrictions set out in the EPA</li> <li>4. That, unless the attorney manages your business and property prudently, their value may decline</li> <li>5. That the attorney might misuse their authority</li> <li>6. That you may, if capable, revoke the EPA</li> </ol>	<p><b>Assessing patient's capacity to make treatment decisions.</b>          Does the patient understand:</p> <ul style="list-style-type: none"> <li>• the current medical condition?</li> <li>• the natural course of the current medical condition?</li> <li>• the proposed treatment intervention?</li> <li>• the risks and potential benefits of the proposed treatment and/or intervention?</li> <li>• what is likely to happen if the proposed treatment/intervention is refused?</li> <li>• whether there are any viable alternatives to the proposed treatment intervention?</li> <li>• the potential risks and benefits of the alternative treatments?</li> </ul>
<p><b>Initiating the ACP Conversation:</b>          "This illness can have a fairly predictable course ... here are some things you need to think about ahead of time..."          "Life is full of uncertainties ..."          "We're living longer and we're also dying longer ..."          "Medical technology offers more &amp; more options for living &amp; dying. We sometimes base decisions on "because we can, we should..."</p>	

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