

My Wishes, My Care: Advance Care Planning Information for the public

Advance Care Planning is part of life planning, just like estate and financial planning.

What is Advance Care Planning?

It's a process of:

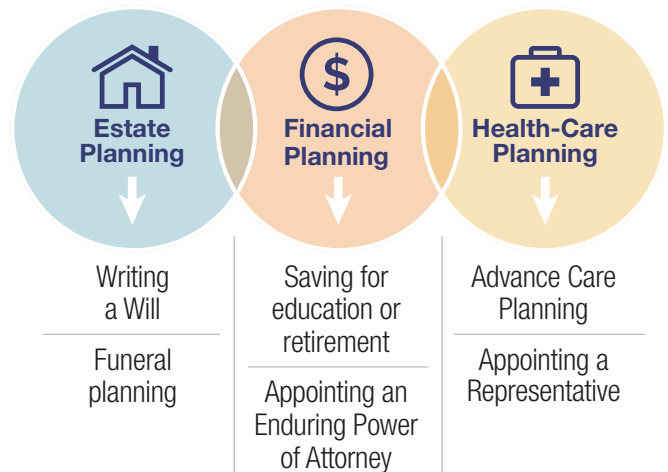
- Thinking about your values, beliefs, and wishes for future health and personal care, and
- Sharing them with the people you trust (your family, close friends, and health-care providers)

It can include choosing who would make care decisions for you if you cannot.

Advance Care Planning is something we should all do, whether we are healthy or unwell, young or old.

Remember four simple words to guide your Advance Care Planning: **Think... Talk... Plan... Review...**

Life Planning



Steps for Advance Care Planning

Think: What matters most to you?

Decisions about health and personal care are guided by your values or beliefs. For example, some people may want to live as long as possible, whatever it takes. Other people may not want to have tests and treatments that may not help.

As your life and health change, what matters to you may also change.

Some questions to guide your thinking:

- What is most important to you?
- What would matter to you if you became unwell and couldn't communicate?
- Are there things you already know about your preferences for health and personal care?
- What concerns you when you think about your future state of health?
- How do you prefer to make decisions about your health? Who is involved?
- What personal wishes are important to you?

For example: Where do you want to be cared for?

What spiritual or cultural practices would you like to observe?

Steps for Advance Care Planning





Think: Who could make decisions for you if you cannot?

As long as you can understand information about your care options and can communicate your wishes (you are capable), **you** will be asked to make decisions and provide informed consent for any health-care treatments. Informed consent means agreeing to a treatment when you understand its purpose, benefits and risks.

If you are not capable, you will need a **substitute decision maker**. This is a capable person with the authority to make health-care decisions on your behalf according to your wishes.

If you know who you'd like this to be, you can name them as your **Representative**. If you do not name someone, a **Temporary Substitute Decision Maker** can be identified by a health-care provider, or a guardian can be appointed by the Court.



Representative

A Substitute Decision Maker you choose to make health and personal-care decisions.

In BC, you can name one or more people as your Representative(s). Your Representative can make health-care and personal-care decisions for you if you cannot make these decisions on your own. They must be an adult (age 19+) who has agreed to make decisions on your behalf.

The legal document you use to name a Representative is called a Representation Agreement.



Representation Agreement

There are two types of Representation Agreements:

1. **Section 9 (Enhanced)** can be used by a capable person, and can include personal-care* and health-care decisions. It can include decisions about life support and life-prolonging treatments.
2. **Section 7 (Standard)** can be used by a person with lessened capability, and can include routine financial, legal, personal-care* and health-care decisions. It cannot refuse life support and life-prolonging treatments.

**Personal care refers to the daily living needs of individuals, such as living arrangements, diet, clothing, hygiene, exercise, and safety.*

Representation Agreements may be created without a lawyer or notary's involvement.

You may wish to involve one if there are any concerns about capability, you anticipate dispute within your family, or you would like to appoint multiple Representatives.

Temporary Substitute Decision Makers

A Substitute Decision Maker chosen for you to make health-care decisions only.

Your health-care provider will work down the following list to identify the first available person who qualifies** and is willing to act as your Temporary Substitute Decision Maker:

1. Your spouse, including common-law, same sex (the length of time living together doesn't matter)
2. One of your children (equally ranked)
3. A parent (equally ranked)
4. A sibling (equally ranked)
5. A grandparent (equally ranked)
6. A grandchild (equally ranked)
7. Anyone else related by birth or adoption
8. Close friend
9. Person immediately related by marriage

If no one can be reached or qualifies, a Public Guardian and Trustee will be appointed.

***The person must be: 19 years of age or older, capable, have no dispute with you, and have been in contact with you in the past year.*

Even if you have a Representative, a Temporary Substitute Decision Maker may still be asked if your Representative is unavailable or unable to make the decision.

Advance Directive

An Advance Directive is a legal document that records your instructions for accepting or refusing **specific health-care treatments**, for a time when you aren't capable of providing consent. It is used when it speaks to the health-care condition and treatments in the specific situation. An Advance Directive gives instructions directly to your health-care provider.

It is important to talk with a health-care provider before making an Advance Directive to make sure that it is clear and specific.

Even if you have an Advance Directive, a Temporary Substitute Decision Maker may still be asked if your Advance Directive does not speak to the situation.

If you have a Representation Agreement and an Advance Directive

If you need health care and cannot speak for yourself, your health-care provider will ask your Representative to make these decisions for you. Let your Representative know they need to treat the instructions in your Advance Directive as your wishes.

If you don't want your health-care provider to ask your Representative to make decisions covered in your Advance Directive, you need to clearly state this in your Representation Agreement.



Talk: With the people you trust

Talk to your Representative (if you have one), potential Temporary Substitute Decision Makers and other people you trust. You need to talk to them so they know what you would want.

Talk about:

- What matters most to you
- Any specific treatments or health-care decisions you already know you want/do not want
- Who you have chosen as your Representative (if you have one); ask others to support this person



Talk: With your health-care provider

Book a time with your health-care provider to understand your health condition(s). Take your time to reflect on their answers and think again about what matters most to you.

Share with your health-care provider:

- What matters most to you
- Who your Representative is (if you have one)
- Your list of Temporary Substitute Decision Makers with notes on who does not qualify
- If you would like to make an Advance Directive

Consider involving your Substitute Decision Maker in these conversations. It will help them if they ever need to make decisions for you.



Plan: Record your wishes

Prepare an Advance Care Plan by:

- Writing down or recording what matters most to you – your values, beliefs and wishes for future
- Listing the contact info of your Temporary Substitute Decision Makers, with notes on who does not qualify

Include your Representation Agreement and Advance Directive if you have them.

Store your plan in a safe place where it can be easily located if needed.

Documents needed by first responders must be accessible to them (for example, on your fridge).



Plan: Share copies of your plan with:

- Your Representative (if you have one)
- People on your Temporary Substitute Decision Makers contact list
- Your close family and friends
- Your health-care providers

Remember to bring your Advance Care Plan with you if you go to the hospital.

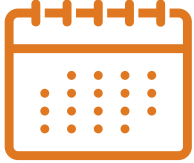




Review: Your plan

Advance Care Planning isn't just a one-time event. As your life and health change, what matters to you may also change.

Review your plan at regular intervals (eg. once a year) and whenever something changes, such as a change in Substitute Decision Maker, a change in your wishes, or a new diagnosis.



Update your Substitute Decision Makers, the people you trust and your health-care providers with any changes in your wishes.

Give them updated copies of your Advance Care Planning Documents, and let them know where the documents are stored.



For more information and resources visit www.bc-cpc.ca/acp

Prepared by the BC Centre for Palliative Care and the Community Engagement Advisory Network (CEAN, <http://cean.vch.ca/>).



Substitute Decision Making Options in British Columbia



Are you capable of giving informed consent?

If you are capable, your health-care provider must directly ask **YOU** for consent.

If you are **incapable** of giving informed consent, your health-care provider will first ask your...

Committee

A person or body appointed by the B.C. Supreme Court to make personal, medical, legal, or financial decisions for you, if you become permanently incapable of making these decisions on your own.



Representative

If you **don't** have a **committee**



A person or people appointed by you, in a Representation Agreement, to make personal and health-care decisions for you if you cannot make these decisions on your own. If you also have an Advance Directive, your Representative will, by default, override an Advance Directive but they must consider your Advance Directive when making decisions.

If you **don't** have a **Representative** or if your **Representative** is unable to make the decision

Advance Directive

This is not a person but is a legal document that includes instructions from you to your health-care providers about specific health-care treatments that you accept or refuse. Your Advance Directive must be clear and relevant to the situation to be used.



Temporary Substitute Decision Maker

If you **don't** have an **Advance Directive** or if your **Representative** and **Advance Directive** can't speak to the situation



A person identified by your health-care provider from a list defined by law as the first person to qualify as your temporary decision maker for health-care.

The above was adapted from People's Law School: <https://www.peopleslawschool.ca/everyday-legal-problems/planning-your-future/health-personal-care/list-potential-temporary>

