

My Wishes, My Care: Advance Care Planning

Please note: the information presented in this booklet is specific to adults living in British Columbia, Canada. It does not constitute legal advice.

What is Advance Care Planning?

Advance Care Planning can help you get the future care that's right for you, even if you're unable to speak for yourself.

Advance Care Planning is a process of:

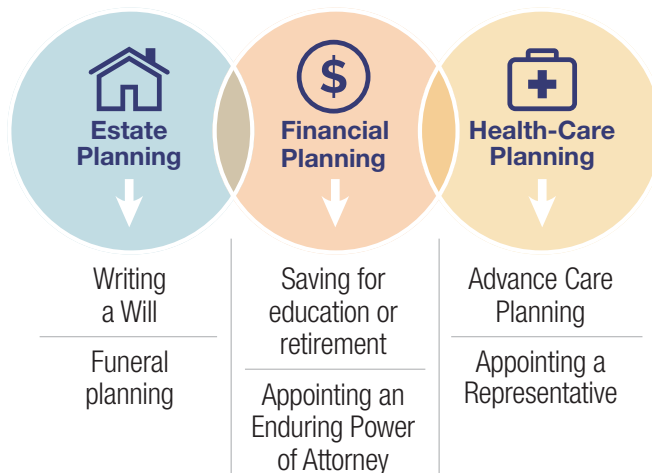
- Thinking about your values, beliefs, and wishes for future health and personal care, and
- Sharing them with the people you trust (your family, close friends, and health-care providers)

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're healthy or unwell, young or old.

Remember three simple words to guide your Advance Care Planning: **Think, Talk, Plan.**

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 might not help.

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

Here are some questions to ask yourself:

- What is most important to me?
- What would matter to me if I became unwell and couldn't communicate?
- Are there things I already know about my preferences for health and personal care?
- What worries me when I think about my future health?
- How do I like to make decisions about my health? Who is involved?
- What personal wishes are important to me? (Where do I want to be cared for? What spiritual or cultural practices would I 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 of making decisions and providing consent, someone else will be asked to make care decisions for you. This person is called a **substitute decision maker**.

If you would like to choose a specific person to be your substitute decision maker, 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.

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. Your representative must be an adult (age 19+) who has agreed to make decisions on your behalf.



Representation Agreement

A legal document you can make to appoint a representative.

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. It cannot include legal or financial decisions as a capable person can make an Enduring Power of Attorney for these types of decisions.
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 include decisions to refuse life support and life-prolonging treatments.

*(*Personal care refers to daily living needs, 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. A close friend
9. A 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

A legal document you can make to accept or refuse specific health-care treatments.

An advance directive is a legal document that contains your instructions to accept or refuse **specific health-care treatments**. It is used if you aren't capable of providing consent. It 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.

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 decisions for you. Let your representative know you want them to follow the instructions in your advance directive.

If you don't want your health-care provider to ask your representative to make decisions that are covered in your advance directive, you need to clearly state this in your representation agreement.

Even if you have a representation agreement and an advance directive, your health-care provider might still need to talk to a temporary substitute decision maker. This could happen if your representative is unavailable and your advance directive doesn't cover a situation that arises.



Talk: With the people you trust.

Talk to your representative (if you have one), potential temporary substitute decision makers, and other people who are important to you. You need to talk to them so they know what you would want.

Talk about:

- What matters most to you.
- Who you have chosen as your representative. Ask others to support this person.
- How you would like to be told about your health and be involved in health-care decisions.



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.

Some questions you can ask:

- How do you expect my illness will progress over time?
- What kind of health-care treatments may be involved as my illness progresses? What are the benefits and risks?
- Will life support treatments be considered for me during this progression? For example, will I need to be fed through a tube or hooked to a breathing machine to keep me alive?

Consider involving your substitute decision maker in these conversations. It will help them if they ever need to make decisions for you.

If you don't have a regular health-care provider, but you have questions you want to ask, you can phone HealthLink BC's toll-free number: 8-1-1.



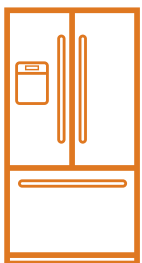
Plan: Prepare your Plan

Prepare an Advance Care Plan by:

- Writing down or recording what matters most to you about your future health and personal care.
- Listing the contact information of your potential temporary substitute decision makers, with notes on who does not qualify.

If you have a representation agreement or advance directive, include them in your advance care plan.

Store your plan in a safe place where it can be easily located if needed. For example, you can store your documents on your fridge, as first responders know to look there.



Plan: Share your plan.



Share copies of your advance care 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.

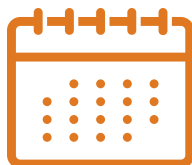
Review: Regularly review your plan.



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

Review your plan regularly (every year, for example) and whenever something changes, like a change in substitute decision maker, a change in your wishes, or a new diagnosis.

If you want to change a representation agreement or an advance directive, make sure you understand the right way to do that. These are legal documents, so there are rules around changing them.



Tell your substitute decision maker, the people you trust, and your health-care provider about any changes in your wishes or updates to your plan. Give them updated copies of your advance care plan, and let them know where they can find your copies.



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/>).



**BC Centre for
Palliative Care**

**Institute for Health System
Transformation & Sustainability**



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>