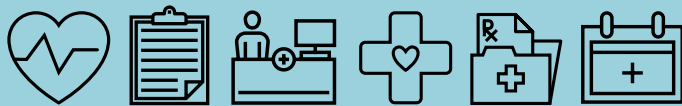


HEALTHCARE JOURNEY BINDER



Consent & Legal Matters



THE ONTARIO

caregiver

ORGANIZATION



About this section

Why is this Section Important?

This section includes information about some of the legal terms that you may hear in your caregiving journey. The section may not include everything you could need, but these were identified by caregivers as information that's often confusing and important to know.

How to Use this Section

Please use this section as a starting point for conversations with your healthcare providers (and others) about these topics where applicable. **The information in this section is not to be used as advice or legal counselling.** The information in this section is accurate as of October 2018.



What is a Substitute Decision-Maker?

The Substitute Decisions Act

- The Substitute Decisions Act (SDA) is the law that governs who can make decisions about their i) personal care and ii) personal property when that person is not mentally able to make certain kinds of decisions. The Act covers financial and property management decisions, and decisions about personal care, which include health care, food, housing, safety, as well as end-of-life decisions.¹
- A person who makes decisions for another person is called a **Substitute Decision Maker**. This person is someone who is given the legal authorization to make personal care decisions on behalf of that person. The need to take such a step could be caused by illness, accident or disability, a temporary condition or a permanent one.¹
- In Ontario everyone automatically has a **Substitute Decision Maker**. Under the act, healthcare providers obtain consent from the person highest on the following list:
 1. Guardian of person with authority for treatment
 2. Attorney named as a Power of Attorney for Personal Care
 3. Representative appointed by the Consent and Capacity Board
 4. Spouse or Partner
 5. Child, Parent or Children's Aid Society
 6. Parent with right of access only
 7. Brother or Sister
 8. Any other relative by blood marriage or adoption
 9. Office of the Public Guardian and Trustee¹

What is a Power of Attorney (POA)?

- A Power of Attorney is a legal document that sets out who will be given the right to act on your behalf when you are unable to do so.²

Are there different kinds of Power of Attorney?

- Yes. In Ontario there are two kinds of Power of Attorney:
 - i. A Power of Attorney for Property (CPOA) covers a person's financial affairs and allows the attorney to act for you even if you become mentally incapable.² The CPOA can be one of two types: "continuing" (goes into effect as soon as signed); or it will specify that it takes effect only upon a finding of incapacity.
 - ii. A Power of Attorney for Personal Care (POAPC) covers a person's personal decisions, such as housing and health care.²

¹ Ministry of the Attorney General, The Office of the Public Guardian and Trustee (2000). A Guide to the Substitute Decisions Act. Ontario: Queen's Printing for Ontario. Available from: <https://www.attorneygeneral.jus.gov.on.ca/english/family/pgt/pgtsda.pdf>

² Ministry of the Attorney General. (2017). How Powers of Attorney work. Available from: <https://www.attorneygeneral.jus.gov.on.ca/english/family/pgt/incapacity/poa.php>



How are a patient's wishes captured?

Patients should consider discussing with loved ones and documenting, such as in a Power of Attorney for Personal Care (POAPC), what they would like to happen if they become ill and cannot communicate their wishes about treatment. In Ontario, a POAPC must be written according to specific rules, e.g., it must be witnessed by two people, and it names the 'attorney' who will interpret the patient's wishes.

What is a Do Not Resuscitate - DNR?

Do Not Resuscitate means that the healthcare provider (in accordance with his/her level of certification) will not initiate any of the interventions listed in the definition of CPR, below.³

Cardiopulmonary Resuscitation (CPR) An immediate application of life-saving measures to a person who has suffered sudden respiratory or cardiorespiratory arrest. This includes some or all of the following procedures:

- Chest compression
- Defibrillation and/or pacing (application of electrical current to stimulate/regulate heart function)
- Artificial ventilation (e.g. mouth-mouth or assisted ventilation with compression bag)
- Insertion of an artificial airway (to provide significant pathway of oxygen to lungs)
- Resuscitation medications that target cardiac function³

**** Speak to your Doctor or Nurse Practitioner about DNR to find out more information that can support your decision about this order.**

DNR Confirmation form (DNRC) - *used by firefighters and paramedics only⁴

- This form confirms that the existing care plan does not include CPR
- This is a standardized form in Ontario for first responders to follow (paramedics, firefighters)
- This form is valid when signed by a doctor or nurse. Paramedics and firefighters are not required to review or confirm the actual **DNR** order in the patient/client's health record.
- Form can be used as many times as necessary
- This form is different from the hospital's **DNR** as it is stating whether or not to initiate CPR – hospitals have different levels of care. Once at hospital the physician will further clarify the level of care. This form was created for first responders to have a clear direction on whether or not to initiate CPR.
- The patient or substitute decision maker can rescind **DNR Confirmation Form** at any time.
- Speak to your healthcare provider for more information about filling out a **DNR Confirmation Form**⁴

⁴ Do Not Resuscitate Confirmation Form. (2008). [Downloadable form]. *Access from the Central Forms Repository Ontario*. Retrieved from <http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&SRCH=&ENV=WWE&TIT=DNR C&NO=014-4519-45>



Personal Health Information Protection Act (PHIPA)

The **Personal Health Information Protection Act** is federal legislation that addresses issues around the collection, use and disclosure of personal health information⁵

Organ and Tissue Donation

When considering your final wishes, it is important to consider organ and tissue donation. To learn more about organ and tissue donation visit the following websites:

- <https://www.beadonor.ca/about-donation/faqs>
- <https://www.giftoflife.on.ca/en/>

To register for organ and tissue donation in Ontario:

- <https://www.ontario.ca/page/organ-and-tissue-donor-registration>

Lawyer Name/Firm:

Telephone Number:

E-Mail Address:

⁵ Cavoukian, A (2004) A Guide to the Personal Health Information Protection Act—Rev. Toronto, Ontario: Information and Privacy Commissioner/Ontario