



# ESSENTIAL CARE PARTNER, SUBSTITUTE DECISION-MAKER AND POWER OF ATTORNEY: OVERVIEW AND ROLE DISTINCTION

The [Ontario Caregiver Organization’s Essential Care Partner Support Hub](#) provides resources and support to healthcare organizations to facilitate the identification, inclusion and support of caregivers as essential care partners. Caregivers provide unpaid emotional, physical, or cognitive support to family members, partners, or friends. In many cases, caregivers play an active role in supporting someone they are caring for but may not be formally recognized as an essential care partner by a healthcare organization. For healthcare organizations that formally recognize caregivers as essential care partners, there can sometimes be confusion when the roles of essential care partner or substitute decision-maker may or may not be the same individual.

This resource provides a brief overview and description of the various roles family and caregivers can play in healthcare settings, clarifying the roles of essential care partners (ECPs), substitute decision-makers (SDMs) and power of attorney (POA). The Ontario Caregiver Organization acknowledges Kate Dewhirst, of Kate Dewhirst Health Law for writing this resource.

DEFINITION	DECISION-MAKING AUTHORITY	HOW THEY ARE DESIGNATED OR DETERMINED	SCOPE	PERSONAL HEALTH INFORMATION
<b>Essential Care Partner*</b>				
<p>Essential care partners provide physical, psychological and emotional support. This care can include support in decision making, care coordination and continuity of care.</p> <p>Essential care partners can include family members, close friends or other people chosen by the patient/resident/client or SDM</p>	<p><b>None</b> (support role only) unless also an SDM</p>	<p>Chosen by the patient/resident/client or SDM</p> <p>Typically a family member, close friend, or others actively involved in care</p> <p>Formally recognized by a healthcare organization</p>	<p>Provides emotional, physical, and practical support; advocates for the individual;</p> <p>Granted more opportunity for access to the patient/resident/client in settings like hospitals or long-term care homes</p>	<p>With patient/resident/client or SDM consent, personal health information can be shared with the essential care partner, to enable better patient/resident/client outcomes.</p> <p>They might be informed about the individual’s condition and care but do not have authority to make healthcare decisions or access all personal health details unless the essential care partner is also a SDM Essential care partners often have valuable knowledge and information regarding the patient’s health that can help inform care planning</p>

DEFINITION	DECISION-MAKING AUTHORITY	HOW THEY ARE DESIGNATED OR DETERMINED	SCOPE	PERSONAL HEALTH INFORMATION
<b>Substitute Decision-Maker (SDM)</b>				
Someone who is authorized by law to make decisions on behalf of an individual who is unable to do so for themselves	<b>Yes</b> (for healthcare, privacy or property decisions)	<p>Determined by law by this hierarchical list:</p> <ol style="list-style-type: none"> <li>1. A guardian appointed by a court</li> <li>2. The patient/resident/client choosing someone to have a POA for personal care or property (see POA below)</li> <li>3. A personal representative chosen by the Consent and Capacity Board</li> </ol> <p>If none of the above legal processes have happened, there is an automatic hierarchical list of family members:</p> <ol style="list-style-type: none"> <li>1. The spouse or partner</li> <li>2. The parents who have decision-making authority or children</li> <li>3. A parent with rights of access</li> <li>4. Siblings</li> <li>5. Any other relative; or</li> <li>6. If there is no one else who fits the description above, the Public Guardian and Trustee</li> </ol>	Makes healthcare decisions when the individual is incapable of doing so; includes consenting or refusing treatment and making privacy decisions	<p>Makes health care decisions on behalf of an incapable patient/resident/client, following the person's wishes where they are known, and acts in the person's best interests if no wishes are known or applicable to the decision to be made.</p> <p>The SDM can access the individual's health information necessary for making healthcare decisions, including medical records and consultations with healthcare providers.</p> <p>The SDM also makes privacy decisions on behalf of the incapable patient/resident/client. This can include decisions about sharing information with Essential Care Partners, family, friends, insurance, employers and others.</p>
<b>Power of Attorney (POA)</b>				
A legal document that gives someone you trust the right to make financial or health care decisions for you	<b>Yes</b> (for healthcare or property decisions, based on type)	<p>Legal document appointing an individual to act on behalf of the person (POA for Personal Care or POA for Property)</p> <p>Someone who holds a POA document becomes the SDM</p>	Like any SDM, the person who holds the POA for Personal Care can make healthcare decisions when the individual is deemed incapable	Like any SDM, the person who holds the POA for Personal Care can access the individual's health information to make informed healthcare decisions, including reviewing medical records and consulting with healthcare providers.

\*Could also be referred to as "Essential caregiver"; "Designated care partner"; "Essential partner-in-care"