ONLINE RESOURCES INCLUDE:

Ministry of Seniors' Affairs
https://www.ontario.ca/page/ministry/seniors-accessibility

Office of the Public Guardian and Trustee
https://www.ontario.ca/page/office-public-guardian-and-trustee

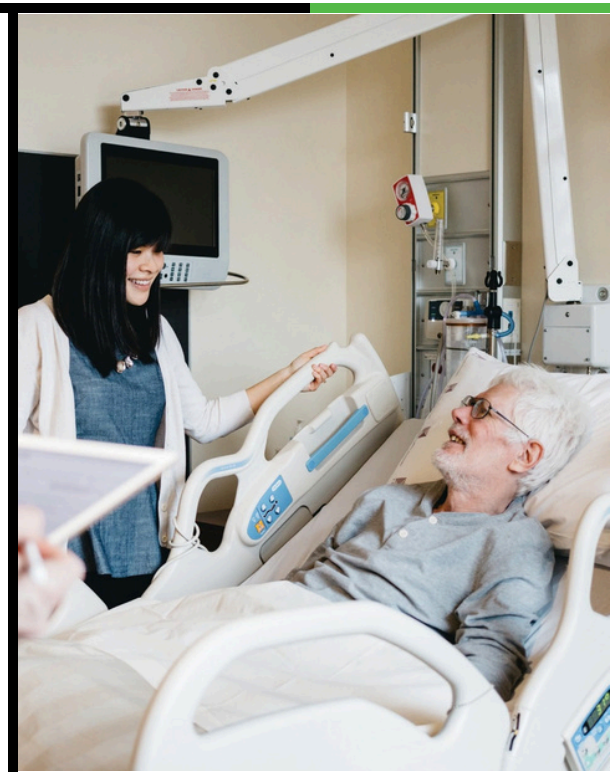
Advocacy Centre for the Elderly
http://www.acelaw.ca

Consent and Capacity Board
http://www.ccboard.on.ca

*This guide provides general information about the current law in this subject area. However, legal information is not the same as legal advice, where legal advice is the application of law to an individual's specific circumstances. Although we have tried to make sure that the information in this guide is accurate and useful, we recommend that you consult a lawyer if you want professional legal advice in this subject area that is appropriate to your particular situation.

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Advance Care Planning:

A quick guide for healthcare consumers & healthcare providers

RUNNYMEDE HEALTHCARE CENTRE

WHAT IS ADVANCE CARE PLANNING?

Advance care planning is about individuals expressing personal choices about how they wish to be cared for in the future. It may also include appointing someone to make decisions on their behalf.

WHY IS ADVANCE CARE PLANNING IMPORTANT?

There may come a time when an individual is unable to make decisions for him or herself. The inability to make decisions for oneself may happen suddenly as with a serious stroke or gradually as with Alzheimer's disease.

Advance Care Planning is important because it helps ensure that a person's wishes, values and preferences guide their care if they become unable to make or communicate their own healthcare decisions.

WHAT KINDS OF CHOICES CAN BE MADE?

Individuals can make choices about any personal care matter including healthcare, food, living arrangements, clothing, hygiene, and safety. Advance care planning does not include financial and property decisions. Financial and property decisions are managed through a different process.

HOW CAN THESE CHOICES BE COMMUNICATED?

An individual can express their wishes verbally, in an audio or videotape, or in any written form. The wishes should be expressed to the individual's substitute decision-maker. Individuals may also choose to communicate their wishes to other family members, their doctor, close friends, or their lawyer.

If an individual wishes to name someone to be his/her attorney for Personal Care, this must be done in writing (please refer to Quick Guide to Powers of Attorney for Personal Care for additional information).

CAN INDIVIDUALS CHANGE THEIR MINDS ABOUT THEIR CHOICES?

Yes. The most recently expressed capable wish (whether verbal or written) is to be followed.

WHAT IS THE DIFFERENCE BETWEEN AN ADVANCE DIRECTIVE, A LIVING WILL, AND A POWER OF ATTORNEY FOR PERSONAL CARE?

In an advance care directive or living will, an individual documents their wishes. A Power of Attorney for Personal Care may also be used to do this, but in addition it includes the appointment of an individual(s) to be the person's substitute decision-maker.

ARE HEALTHCARE PROVIDERS AND SUBSTITUTE DECISION-MAKERS REQUIRED TO FOLLOW THE WISHES OF THE INDIVIDUAL?

Yes. If the expressed wishes are relevant to the situation at hand and were expressed when the individual was capable (the individual understood and appreciated the nature and consequences of the decision) and over the age of 16, they should be followed. This has been established in case law.

IS EVERYONE REQUIRED TO DO ADVANCE CARE PLANNING?

No. There is no legal requirement for individuals to complete advance care planning (either to express their choices or to appoint a substitute decision-maker). Admission to a facility or access to health care cannot be denied based on the absence of advance care planning.

There is no minimum age of consent in Ontario. If the individual is capable as described above, he/she is able to consent (or refuse to consent to a treatment or plan of care.

WHEN DOES AN ADVANCE CARE CHOICE COME INTO EFFECT?

Choices expressed through advance care planning only come into effect when an individual is no longer capable of making a specific decision for himself or herself. (For information on determination of capacity, refer to the Quick Guide on Capacity Assessment.)