

SUBSTITUTE DECISION MAKERS AND POWERS OF ATTORNEY

INFORMATION FOR OLDER ADULTS, FAMILIES,
AND CAREGIVERS



READ THIS PAMPHLET TO LEARN:

- What a Substitute Decision Maker (SDM) is.
- What a Power of Attorney for Personal Care is.
- How to Name a Power of Attorney for Personal Care.



Sinai Health System

HEALTHY AGEING AND GERIATRICS

WHAT IS A SUBSTITUTE DECISION MAKER (SDM)?

A substitute decision-maker is someone who makes decisions on another person's behalf if they become unable to make them themselves. Substitute Decision-Makers (SDM) are usually close relatives.

If you become unable to make decisions, your doctor or other health care providers must contact your substitute decision-maker for their consent before your doctor or other health care providers can give you treatment. The law requires the following order of representation be followed.

SUBSTITUTE DECISION MAKERS LIST:

1. A guardian with the power to give or refuse consent to treatment
2. An attorney for personal care with the power to give or refuse consent to treatment
3. A person chosen by the Consent & Capacity Board
4. A spouse or partner
5. A child (over 16 years of age) or parent or a worker from the Children's Aid Society
6. A parent with right of access only
7. A brother or sister (or if more than one sibling, brothers and sisters together)
8. Any other relative (related by blood, marriage or adoption)
9. The Office of the Public Guardian and Trustee (OPGT). OPGT is part of the Ontario Ministry of the Attorney General.

For Substitute Decision Makers, a health care worker who is proposing treatment must talk to the **first person** on the SDM list. If this person is not able, willing, or available to make health care decisions for you, the health care worker will ask the **second person** on the list. This will continue until an SDM is identified.

If you would like to choose the person who will make your decisions as your Substitute Decision Maker, you can make them your attorney for personal care.

WHAT IS AN ATTORNEY FOR PERSONAL CARE?

An attorney for personal care is someone you trust and legally choose to make health care decisions if you are not able to make them for yourself.

WHO CAN BE AN ATTORNEY FOR PERSONAL CARE?

Your attorney for personal care could be someone listed on the substitute decision makers list, or someone else of your choosing, such as a friend or neighbour. An attorney for personal care cannot be:

- Under 16 years old.
- Unable to understand or appreciate information about treatment decisions.
- Someone who is paid to give you health care or support services.

If you have more than one attorney for personal care, you will need to specify whether decisions must be made together or if one can make the decision by themselves if other(s) are not available.

HOW TO NAME AN ATTORNEY FOR PERSONAL CARE

To legally make someone your attorney for personal care, you must complete a Power of Attorney for Personal Care form that gives legal power to make health care decisions for you if you are unable to make them yourself.

Once the form is complete, your attorney for personal care will become your substitute decision maker.

WHAT SHOULD I TALK TO MY SDM ABOUT?



Choosing who you trust to make health care decisions for you if you are unable to make them for yourself is part of **advance care planning**. Advance care planning also includes thinking about, talking about and writing down what you would like to happen if your SDM has to make decisions for you.

Talk to your SDM about:

- Any values and preferences that could help guide them if they have to make decisions for you
- What medical treatment and care you would and wouldn't want if you became very ill

You can also write down these values, preferences and treatments in a document called an **Advance Directive**. An Advance Directive helps make it clear to your SDM and health care providers what medical treatment and care you would and wouldn't want.

HOW DO I GET THE PAPERWORK FOR A POWER OF ATTORNEY FOR PERSONAL CARE AND AN ADVANCE DIRECTIVE?

- You can contact a lawyer to help you make a Power of Attorney for Personal Care.
- You can get a Power of Attorney for Personal Care kit from the Ministry of the Attorney General Download the kit by visiting the website:



www.attorneygeneral.jus.gov.on.ca/english/family/pgt/poakit.asp

Call the office to ask them to mail you a kit:



416 314 2800 (if you live in Toronto)

1 800 366 0335 (free call outside of Toronto)

SUGGESTED RESOURCES

POWER OF ATTORNEY FOR PERSONAL CARE KIT - MINISTRY OF THE ATTORNEY GENERAL

Information about Naming a Power of Attorney and for the Power of Attorney for Personal Care Form, visit the below website to download the full kit.



www.attorneygeneral.jus.gov.on.ca/english/family/pgt/poakit.php

ADVANCE CARE PLANNING - SPEAK UP

Information about advance care planning and making a plan for future health decisions.



www.advancecareplanning.ca

ADDITIONAL RESOURCES IN OUR SERIES

- Living Longer, Living Well – Your Guide to Healthy Ageing
- Calcium, Vitamin D and Bone Health
- Preventing Falls at Home
- General Tips for Memory Problems
- How to Prevent and Manage Delirium
- Managing Constipation
- Improving Urinary Incontinence
- Managing Sleep Problems
- Recognizing and Managing Hearing Loss
- Safe Medication Use for Older Adults
- Elder Abuse
- Managing Caregiver Stress

ADDITIONAL COMMUNITY RESOURCES IN OUR SERIES:

- Meals on Wheels
- Community Transportation Options
- How to Register for Wheel-Trans
- Driving Assessment Services
- Funding for Mobility Aids from the Assistive Devices Program

Visit www.sinaigeriatrics.ca/healtheducation for additional resources for older adults, families and caregivers.

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We would like to thank the following for their support of our Education Resources to Support Healthy Ageing Initiative:



The Ben and
Hilda Katz
Foundation



Mon Sheong Foundation and the Ben and Hilda Katz Foundation have generously provided funding to support printing and translation of our Education Resources to Support Healthy Ageing.

The Ministry of Seniors Affairs supported this initiative with funding through its Seniors Community Grant Program.

Adapted from “Substitute Decision Maker and Naming a Power of Attorney” in 2016 with permission from the University Health Network Patient and Family Education Program.

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