

What is the Ranked List for Substitute Decisions Makers?

1. Your legally appointed representative through a Representation Agreement-Section 9, if you gave them the authority to consent to admission on your behalf;
2. Your spouse;
3. Your adult child;
4. Your parent;
5. Your sibling;
6. Your grandparent;
7. Your grandchild;
8. Another person related to you by birth or adoption;
9. Your close friend; or
10. Another person related to you by marriage.

If there is a disagreement about who should be the substitute decision maker, or there is no one available, the Public Guardian and Trustee will become involved and choose the substitute, or act as the substitute.

*A Power of Attorney does not have the authority to make Health Care decisions for you or give consent for you to go into a care facility.



To learn more about care facility admission consent in British Columbia, please visit the following websites:

- Consent to Care Facility Admission page on the Government of British Columbia's website:
<https://www2.gov.bc.ca/gov/content/health/accessing-health-care/home-community-care/accountability/consent-to-care-facility-admission>
 - Personal Decision Services on the Public Guardian and Trustee of British Columbia's website:
<http://www.trustee.bc.ca/services/services-to-adults/Pages/personal-decision-services.aspx>
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Your Choice to Stay in a Care Facility



Consent for Continued Residence in a Care Facility in British Columbia

You have a choice to stay in a care facility, and your choice is important.

Based on the information that care facility staff give you, you will make your own decisions about staying in a care facility. You will need to understand the information given to you and how that information applies to your personal situation (i.e., the consequences of the decision).

On Nov 4, 2019, part 3 of the BC Health Care (Consent) and Care Facility (Admission) Act came into law. The law applies to any adult over the age of 19 and ensures that you get support in making an informed decision about staying in a care facility.

What if I Consented to Go to the Facility and I Now Want to Leave the Facility?

If you made the decision to go to a care facility, then you can choose to leave the facility. We suggest you speak with your care team at the facility so they can support you in planning to leave.

If care facility staff are worried that you might not understand the information about leaving a care facility or how it applies to your situation, he or she will ask a qualified assessor to see you to conduct an Incapability Assessment.

What if Someone Else Consented for Me to Go to the Facility and Now I Want to Leave?

If you were not able to make the decision to go into the care facility and now you wish to leave the care facility, the care facility will review your wish with your substitute decision maker, except when:

1. You moved into the facility within the past 30 days; or
2. Your substitute decision maker consented for you to stay at the care facility within the past 90 days.

Your substitute decision maker may:

1. Decide that it is best for you to stay in the care facility and give consent for you to stay in the facility; or

2. Support your wish to leave the care facility and speak with your care team at the facility for help in planning for you to leave.

If care facility staff think that you may be able to understand the information about leaving a care facility and how it applies to your situation, he or she will ask a qualified assessor to see you to conduct an Incapability Assessment.

How Does My Substitute Decision Maker Give Consent?

Your substitute decision maker can give consent in writing or verbally. When they consent for you to stay in or leave a care facility, a Ministry of Health consent form is completed.

What is an Incapability Assessment?

This assessment is done when the healthcare provider is worried that you might not understand what a care facility is, what services are being provided to you, and how these services may be helpful to you.

You can participate in the assessment. If you choose not to, then the assessment will be completed based on other available information from your health records and care team.

If you are able to show that you understand the information to make this decision and that you understand how the decision will affect you (the 'consequences'), you are capable of making this decision.

If you cannot show that you understand the information and the consequences of the decision, the qualified assessor will tell you that you are legally incapable of giving consent to leave the care facility.

What Happens if I am Incapable of Consenting to Leave a Care Facility?

The assessor must tell you if they decide that you are incapable of giving consent to stay in or leave a care facility.

You can request another assessment by a different assessor, if you do not agree with this decision.

A substitute decision maker will be chosen from the ranked list if you are incapable of making this decision. The substitute decision maker will consider what is in your best interest and will make the decision to consent, or not, for you to stay in or leave a care facility.

You may continue to be capable of making other decisions for yourself even if you are incapable of making a decision to stay in or leave a care facility.

