

Advance Care Planning Clinician Quick Reference

Medical Treatment Consent Hierarchy of BC

“When medical decisions need to be made, who do I (Health Care Professional) get consent from?”

	1. Capable Adult (19yrs+)	HCPs gain consent from adult if capable.
Legally appointed SDMs	2. Committee of Person (<i>Patients Property Act</i>) 3. Representative (<i>Representation Agreement Act</i>)	<p>If the adult is incapable, is there a BC Supreme Court order appointing a Committee?</p> <p>If no Committee, is there a Representative appointed in a Representation Agreement? If so, what authority has been given?</p>
Decisions about specific treatments	4. Advance Directive	If no Representative is appointed, is there an Advance Directive with treatment instructions?
Family/friends TSDMs	5. Temporary Substitute Decision Makers (<i>Health Care (Consent) & Care Facility (Admission) Act</i>)* <ul style="list-style-type: none"> ○ Spouse (common law, same gender) ○ Adult children (equally ranked) ○ Parent (equally ranked) ○ Brother or sister (equally ranked) ○ Grandparent (equally ranked) ○ Grandchild (equally ranked) ○ Anyone else related by birth or adoption ○ Close friend ○ A Person immediately related by marriage 	If none of the above exists, appoint a person from this list, who is available, willing, qualified and able. This is a hierarchical list.
SDM of last resort	6. Another person appointed by Public Guardian Trustee (PGT) or PGT appointed	If no one is available, willing and qualified, or in case of dispute from the TSDM list, OR if there is conflict that cannot be resolved, contact PGT.

*Hierarchy is revisited for every medical decision

Legislated Roles and Responsibilities of Substitute Decision Makers

Committee of Person	<p>Committee(s) (pronounced Kaw-mi-TEE) are legally obligated to:</p> <ul style="list-style-type: none"> act reasonably, prudently and in the adult’s best interest involve the incapable adult as much as reasonably possible. ¹
Representatives	<p>Representative(s) must:</p> <ul style="list-style-type: none"> act honestly and in good faith, exercise the care, diligence and skill of a reasonably prudent person, and act within the authority given in the representation agreement. consult, to the extent reasonable, with the adult to determine his or her current wishes, and comply with those wishes if it is reasonable to do so.²
Temporary Substitute Decision Makers (TSDMs)	<p>TSDMs must:</p> <ul style="list-style-type: none"> consult, to the greatest extent possible, with the adult before providing consent comply with any instructions or wishes the adult expressed while he or she was capable. <p>TSDMs qualifications:</p> <ul style="list-style-type: none"> must be 19 years or older and willing to take on the role capable of giving, refusing or revoking consent have no dispute with adult have been in contact with the adult in the past year. ³

¹ Public Guardian and Trustee. Private committee guide [Internet]. 2023 Apr [cited May 9 2023]. Available from: <https://www.trustee.bc.ca/Documents/PCS/PCS%20Handbook.pdf>. Page 5.

² Representation Agreement Act [Internet]. 1997. Available from: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96405_01#part3. Part 3 Section 16.

³ Health Care (Consent) and Care Facility (Admission) Act [Internet]. 1996. Available from: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96181_01. Part 2 Section 16(2) and Section 19.