

ChELO

CHECKLIST TO MEET ETHICAL & LEGAL OBLIGATIONS

**Substitute Decision Maker
Information Bundle**
For Substitute Decision Makers

HELP US GET TO KNOW YOUR FAMILY MEMBER

Values Information Sheet (VIS) for Substitute Decision Makers

Completing this information sheet will help the Critical Care Health Team know and understand what is important to your family member. We want to learn more about them.

We also encourage you to post photos of your family member with significant people or pets on the bulletin board in their room.

Please feel free to ask questions at any time about your family member's care. **We're here to support you.**

Patient's Full Name: _____

Patient's Preferred Name/Pronoun: _____

Home Language/Communication Preference: _____

YOUR NEXT STEPS

1. Please complete this questionnaire within the next 72 hours so information can be available to staff providing care.
2. If your family member has been in ICU for more than 72 hours, a nurse will arrange a time to meet with you to discuss your family member's values, wishes and beliefs.

What is/was her/his job/occupation?

What are the situations that made her/him happiest?

How has s/he coped with stressful situations in the past?

What would the patient identify as her/his biggest worry, concern and/or fear?

What are her/his goals, hopes, and dreams?

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Activities/Hobbies:

Favourites:

TV Show / Movie / Book

Music

Sport

Food(s)

Pet(s)

Quote/Saying

Feel free to include other things that you would like us to know about your family member.



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Making Decisions for Other People

The Role of the Substitute Decision Maker (SDM)

We understand that this is a difficult time for you and your family. A loved one is very ill, hospitalized and unable to make her or his own treatment decisions. Someone else must make them, but who? And how?

We hope this guide helps answer your questions. Please feel free to ask about your family member's care at any time.

WE'RE HERE TO SUPPORT OUR PATIENTS AND THEIR FAMILIES.

CONTACT INFORMATION

Consent & Capacity Board - Toronto Regional Office

Phone: (416) 327-4142

Fax: (416) 924-8873

www.ccboard.on.ca

Health Care Consent Act

www.e-laws.gov.on.ca

Who makes treatment decisions?

In Ontario, every person can make her / his own decisions about health care and treatment when they are capable of doing so. If the patient is not capable of making a particular decision about treatment, a substitute decision-maker (SDM) will be asked to make the decision. The SDM is usually a close relative. See the *Rank of Substitute Decision Makers* on the following page.

How does the Substitute Decision Maker decide?

There are rules in law about making health care decisions for someone else. An SDM is asked to make decisions for a patient when the patient is no longer capable of doing so.

The SDM must make decisions based on prior expressed wishes of the patient. If the SDM does not know of a wish applicable in the situation, or it is impossible to follow the wish, the SDM must act in the patient's best interests.

Ask yourself: "Has my mother talked about this situation—what did she say?" OR "Would my mother say she would want this treatment or not?"

Can living wills help?

Wishes expressed by the patient when the patient was capable can help the SDM understand what the patient would want in different situations. Wishes can be expressed in a power of attorney, in other written form (Living Will) or orally. Consider whether the patient has expressed wishes concerning treatment.

What if you do not know what the patient would want?

If the SDM does not know of a wish applicable to the situation, or if it is impossible to follow the wish, the SDM must make the decision about treatment according to the patient's best interests. "Best interests" are determined by taking into consideration the values and beliefs that the SDM knows the patient held when capable, and understanding the treatment decisions that will improve or change the patient's condition for the better.

An SDM is entitled to receive information about the nature of the treatment, expected benefits, material risks and side effects, alternative courses of action, and the likely consequences of not having the treatment.



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What happens when there are disagreements?

Sometimes, when there is more than one substitute decision-maker, they may disagree on treatment decisions. Here there are trained professionals to help resolve these disagreements. If substitute decision makers still cannot agree, there are two options:

A public official in the office of The Public Guardian and Trustee will make the decision

– OR –

The Consent & Capacity Board may appoint a representative to make the decision. The representative may or may not be one of the prior substitute decision-makers.

What is the role of the Consent & Capacity Board?

Sometimes when a treatment team and SDM do not agree, and the team cannot obtain consent, a neutral third party called the **Consent and Capacity Board (CCB)** gets involved. In this case an application may be made to the CCB to see if the treatment decision is the right one according to law. This only happens after extensive discussions between SDMs and the treatment team have not produced a result that is satisfactory to everyone.

Rank of Substitute Decision Makers from the Health Care Consent Act

1. A guardian with the authority to give or refuse consent to treatment
2. An attorney for personal care with the authority to give or refuse consent to treatment
3. A representative appointed by the Consent & Capacity Board
4. A spouse or partner
5. A child or parent
6. A parent who has only a right of access
7. A sister or brother
8. Any other relative (related by blood, marriage or adoption)
9. Public Guardian and Trustee
(www.e-laws.gov.on.ca)

Please ask questions. We are here to help our patients and their substitute decision makers.

We are committed to providing excellent patient care and ensuring that patients and SDMs have appropriate information about their rights and obligations. Please feel free to talk to the staff here - including social workers, spiritual care providers and an ethicist.

These professionals are here to help everyone through difficult times and to help ensure that you have the information you require to help you make decisions concerning consent to treatment in line with the wishes or best interests of your loved one.



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