

## DUTIES OF A SUBSTITUTE DECISION MAKER:

### MAKING HEALTH CARE AND CARE FACILITY ADMISSION DECISIONS

If your family member or friend is unable to make a decision about health care or being admitted to a care facility, you may be asked to be a substitute decision maker.

A **substitute decision maker** is a person who helps make or makes decisions on behalf of another adult if and when the adult is unable to make them. In BC, a substitute decision maker is:

- a guardian (or committee of person) appointed by a court
- a representative appointed through a representation agreement, with authority for the type of decision needed
- the closest family member or friend chosen by a health care provider (for health care) or manager (for care facility admission) from the following ranked list:
  - adult's spouse
  - adult's child (no ranked order)
  - adult's parent
  - adult's brother or sister
  - adult's grandparent
  - adult's grandchild
  - anyone else related by birth or adoption
  - a close friend
  - a person immediately related by marriage
  - a person authorized or chosen by the Public Guardian and Trustee (may be an employee of the Public Guardian and Trustee)

When you agree to give or refuse consent on behalf of another person, you need to know your responsibilities. British Columbia law tells us how to make decisions when fulfilling this important role.

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#### **Health Care** (temporary substitute decision maker)

As a substitute decision maker for an adult who is incapable of giving, refusing or revoking consent to health care, you will be asked to give or refuse consent to a particular health care treatment, series of treatments or plan of health care.

As a substitute decision maker your duties are:

- to consult to the greatest extent possible with the adult
- to comply with any instructions or wishes the adult expressed while they were capable
- if the adult's instructions or wishes are not known, to decide to give or refuse consent based on the adult's *best interests*

In determining best interests, you must consider:

- the adult's current wishes, and known beliefs and values
- whether the adult's condition or well-being is likely to be improved by the proposed health care
- whether the adult's condition or well-being is likely to improve without the proposed health care
- whether the expected benefit from the proposed health care is greater than the risk of harm, and
- whether a less restrictive or intrusive form of health care would be as beneficial as the proposed health care

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### **Care Facility Admission** (substitute)

As a substitute decision maker for an adult who has been determined to be incapable of giving or refusing consent to care facility admission, you will be asked to give or refuse consent to admission to a specific care facility.

Your duties are:

- to consult, or make a reasonable effort to consult, with the adult and with any spouse, friend or relative of the adult who asks to assist
- to make a decision in the adult's best interests

In determining best interest interests, you must consider:

- the adult's current wishes and any previously expressed wishes, values and beliefs
- whether the adult could benefit from admission to a care facility
- whether there is another course of action or less restrictive type of facility that is available and appropriate in the circumstances

An adult's previously-expressed wishes are only one consideration when determining the adult's best interests for a care facility admission decision. If the adult previously said they never wanted to reside in a care facility, you are not bound by this wish.

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In all situations where you are asked to make a substitute decision on behalf of another adult, you must remember that you are not choosing for yourself but making the choice you believe that your family member or friend would make if they were able.

For more information about being a substitute decision maker, speak to a health care provider or manager.