

Decision Making and the Adult Guardianship and Trusteeship Act

The Adult Guardianship and Trusteeship Act comes into effect on October 30, 2009. The Act provides a range of decision-making options for when an adult needs assistance or requires a substitute decision-maker for health care decisions.

Emergency Health Care

Emergency health care can be provided to adults with out consent if health care is necessary to:

- Preserve the adult's life; prevent serious physical or mental harm to the adult; or alleviate severe pain

AND

The physician is satisfied that the adult:

- Lacks capacity to consent or refuse consent to the emergency healthcare due to drug or alcohol impairment, complete or partial lack of consciousness, or another cause.
- No guardian or other person with decision-making authority is available or accessible; and
- Did not previously express or retract a wish or instruction about health care that is applicable to the situation.

Before providing the health care, the physician when practicable shall obtain a written opinion from a second physician OR nurse practitioner OR registered nurse that the situation meets the conditions for providing emergency health care.

If the second physician, nurse practitioner or registered nurse is not satisfied that the situation meets the conditions for providing emergency health care then the health care will NOT be provided.

Specific Decision-Making

For adult patients who:

- require a time sensitive decision related to health care or temporary admission to or discharge from a residential facility;

Step 1: Assess the patient's capacity to make the specific decision at hand

Step 2: Select the nearest relative to make the decision

Select from the following ranked list:

- spouse or adult interdependent partner;
- adult son or daughter;
- father or mother;
- adult brother or sister;
- grandfather or grandmother;
- adult uncle or aunt; or
- adult nephew or niece.

Step 3: Health care decision is made

Step 4: Document using the following forms:

- Assessment of Capacity of Adult to Make Decisions Respecting the Adult's Health Care (*Form 6*) OR Assessment of Capacity of Adult to Make Decisions Respecting the Adult's Temporary Admission to or Discharge from a Residential Facility (*Form 7*)
- Declaration of the Specific Decision-Maker (*Form 8*)
- Health Care Provider's Record of Specific Decision-Making (*Form 9*)
Forms available online at www.seniors.alberta.ca/opg

Accessing personal information

- Health care providers can access, collect or obtain any necessary personal information about an adult, except financial information, in order to assess the adult's capacity or to select a specific decision-maker.
- Health care providers may disclose personal information in order to elect a specific decision-maker or to inform the specific decision-maker.

Step 5: Health Care is provided

Obtaining Consent

Supported Decision-Making allows a capable adult to authorize someone they trust to help them access and understand information, to make a personal/health decision and/or to communicate that personal/health care decision. Consent shall be obtained from the adult patient.

Co-Decision-Making court orders are for adults assessed as having a significant impairment, but who can still make personal/health care decisions with assistance. Consent shall be obtained from both the Co-decision maker and the patient.

In Guardianship: from the Guardian or Public Guardian

Guardianship is the process by which the Court appoints the Public Guardian or an adult as Guardian in a Court Order. Consent shall be obtained from the Guardian named in the Order.

Disclaimer

This summary is not a comprehensive document and does not replace legal advice. This a high level summary document with key points. For further information about substitute decision makers in the Adult Guardianship and Trusteeship Act, please refer to <http://www.albertahealthservices.ca/771.asp>