

# Quick Reference for Health Care Providers on the *Adult Guardianship and Trusteeship Act (AGTA)*

The AGTA is legislation that governs substitute decision-making (e.g., guardianship) for adult Albertans. **Contact the Office of the Public Guardian (OPG)** for further information. **All Regulated forms** referred to below are available at Alberta Seniors and Community Supports website [www.seniors.alberta.ca/opg](http://www.seniors.alberta.ca/opg).

Decision-making Option	What is it?	How do I know if an adult has it?	Capacity Assessment	Role of Health Care Provider
<b>Emergency Health Care</b>	A physician may provide emergency health care to an incapable adult without consent if the health care is necessary to preserve the adult's life, prevent serious physical or mental harm, or alleviate severe pain.	Applies to all adult Albertans.	If practical, the physician must obtain the written opinion of a 2 <sup>nd</sup> physician or health care provider.	Physicians assess and determine if emergency health care is necessary. A physician is not authorized to provide emergency health care against wishes expressed by the adult when capable.
<b>Specific decision-making</b>	When an adult does not have the capacity to make a decision and they do not have a guardian or personal directive, a health care provider may choose the nearest relative to act as a specific decision maker for a time sensitive health care decision or temporary admission/discharge from a residential facility.	Applies to all adult Albertans who do not have a legally authorized personal decision-maker or personal directive. OPG has a registry for Personal Directives and a registry for guardianship or trusteeship orders.	Limited to the specific decision at hand. A physician, nurse practitioner, or dentist completes a Regulated form outlining he/she believes that adult lacks the capacity to make the specific decision.	Only a physician, nurse practitioner, or dentist (for dental care only) can assess adult's ability to make the specific decision at hand. If the adult is deemed to lack capacity, then the adult's nearest relative can be contacted to make the decision. Relatives must be chosen by their "rank" (e.g., spouse should be the first person contacted). If there is no relative or a dispute arises, the Public guardian can make the decision.
<b>Supported decision-making</b>	Capable adults can choose a trusted person ( <b>supporter</b> ) to assist them with accessing information and communicating their decision(s). The <b>supported</b> adult retains full legal autonomy to make his/her own decisions.	There is a Regulated form titled: Supported Decision-making Authorization (SDMA)	None. Under the AGTA adults are presumed capable until the contrary is determined.	An SDMA allows health care providers to release personal information to a supporter so the supported adult can be assisted to make and communicate decisions.
<b>Co-decision-making Order</b>	Adults assessed as having a significant capacity impairment can agree to a Court order allowing a Co-decision-maker to be a partner with the <b>assisted</b> adult in decision making for personal matters.	The Court must issue an order titled: Order Appointment of a CDM. OPG has a registry for co-decision-making orders.	An assessment must be completed by a designated capacity assessor utilizing a Regulated form. As part of the process, a recent medical exam must be completed to rule out any temporary reversible conditions. The assessment focuses only on personal decision-making.	After completing required training, registered nurses, registered psychiatric nurses, occupational therapists and social workers can be designated as capacity assessors under the AGTA. Physicians and psychologists are automatically qualified to conduct capacity assessments under the AGTA.
<b>Guardianship Order</b>	The Court of Queen's Bench may appoint a guardian to make personal decisions for adults assessed as incapable	The Court must issue an order titled: Order Appointment of Guardian. OPG has a registry for guardianship orders.	As above. The assessment focuses only on personal decision making.	
<b>Trusteeship Order</b>	The Court of Queen's Bench may appoint a trustee to make financial and property decisions for adults assessed as incapable	The Court must issue an order titled: Order Appointment of Trustee. OPG has a registry for trusteeship orders.	As above, but capacity regarding financial & property decisions is assessed.	