

TABLE 1

ALBERTA LEGISLATIVE FRAMEWORK
related to
DECISION-MAKING CAPACITY PROCESS with ADULTS

<u>Type of Decision</u>	<u>Legislation</u>	<u>Alternate Decision-Maker/s & Paperwork</u>	<u>Purpose</u>	<u>Who Appoints Alternate Decision-Maker</u>
<u>Personal Decisions</u>	Personal Directive Act (PDA)	Agent/s may be identified Personal directive (PD)– enacted when adult lacks capacity Requires legislated Schedule 2 or 3, pursuant to personal directive regulations	Adult indicates their wishes pertaining to personal matters (excluding financial matters), relating to any or all of the personal domains. The personal domains include: healthcare, accommodation, choice of associates, social activities, education/training, employment, and legal affairs	Adult with capacity (the PD maker) decides by drafting a personal directive stating their wishes relating to personal matters (see domains noted in previous column) and by appointing an Agent/s, if they wish
	Alberta Guardianship & Trusteeship Act (AGTA)	Guardian Guardianship order	Appointment of alternate decision-maker for adult who lacks capacity Court decides what personal domains the Guardian has authority to make decisions within. The personal domains are noted above	Court application – court decides
	AGTA	Co-Decision Maker Co-decision-making order	Capacity is impaired, but the adult can make personal decisions with guidance and support The adult is assisted by the Co-Decision-Maker to make decisions collaboratively The adult must agree to this arrangement and may reject it at any time	Court application – court decides
	AGTA	Specific Decision-Maker Legislated Form 6	For specific healthcare or residential placement decisions Only applies when no Agent or Guardian exists and adult lacks capacity Form 6 remains in effect while decision-making authorization is required in relation to the decision specified; with the exception of decisions for residential placement. For residential placement decisions, the decision-making authorization is in place for 6 mos. and cannot be renewed Specific decision-making does not apply to mental health disorders, end of life, sterilization, psychosurgery, transplantation of tissue and experimental activities	A physician, Nurse Practitioner or Dentist (for dental work only) will select a relative, from the rank-ordered list, that meets the criteria indicated If no relative is available or appropriate, the Office of the Public Guardian will be contacted to fulfill the decision-making role
	AGTA	Supported Decision-Maker Supported decision making authorization, Form 1	The adult can name up to 3 supporters, formalized through the use of an AGTA form, who can help with: <ul style="list-style-type: none"> • decision-making process • accessing relevant personal information (incl. healthcare information) • communicate key decisions 	Adult with capacity decides – no court involvement
<u>Emergency Healthcare Decision Making</u>	AGTA	No decision-maker Document emergency health care provision AHS form #18629 (on <i>Insite</i>) - Emergency Health Care: Documentation of Exception to Consent	Emergency healthcare provision under AGTA is an exception to the informed consent process This provides a legal framework to support Physicians in the delivery of emergency healthcare	1 st Physician determines: 1. need for emergency healthcare 2. that patient lacks capacity 3. and that the patient had no known prior expressed wish to the contrary When practicable, the 2 nd Physician, Nurse Practitioner or Registered Nurse confirms above
<u>Financial Decisions</u>	Powers of Attorney Act	Attorney Enduring Power of Attorney document	Adult outlines their wishes related to financial matters or the management of their estate only	Drafted by the adult when they have capacity and enacted when the adult lacks capacity
	AGTA	Trustee Trusteeship order	Appointed adult has the authority to make or help make decisions about financial matters on behalf of another <i>adult</i> who lacks capacity. Financial matters include: person property, realty, money, investments & income	Court application – court decides