

What is the Ranked List for Substitute Decisions Makers?

1. Your legally appointed representative through a Representation Agreement- Section 9, if you gave them the authority to consent to admission on your behalf;
2. Your spouse;
3. Your adult child;
4. Your parent;
5. Your sibling;
6. Your grandparent;
7. Your grandchild;
8. Another person related to you by birth or adoption;
9. Your close friend; or
10. Another person related to you by marriage.

If there is a disagreement about who should be the substitute decision maker, or there is no one available, the Public Guardian and Trustee will become involved and choose the substitute, or act as the substitute.

*A Power of Attorney does not have the authority to make Health Care decisions for you or give consent for you to go into a care facility.



To learn more about care facility admission consent in British Columbia, please visit the following websites:

- Consent to Care Facility Admission page on the Government of British Columbia's website:
<https://www2.gov.bc.ca/gov/content/health/accessing-health-care/home-community-care/accountability/consent-to-care-facility-admission>
- Personal Decision Services on the Public Guardian and Trustee of British Columbia's website:
<http://www.trustee.bc.ca/services/services-to-adults/Pages/personal-decision-services.aspx>

Your Choice in Care Facilities



Care Facility Admission Consent in British Columbia

You have a choice about which care facility you go to; it should meet your needs, and your choice is important.

Based on the information that your healthcare provider gives you, you will make your own decisions about going to a care facility. You will need to understand the information given to you, and how that information applies to your personal situation (i.e., the consequences of the decision).

On Nov 4, 2019, part 3 of the BC Health Care (Consent) and Care Facility (Admission) Act came into law. This law applies to any adult over the age of 19 and ensures that you get support in making an informed decision about going to a care facility.

Giving Consent

In BC, you must give consent in order to go to a care facility. When you are deciding if you want to go into a care facility, a healthcare provider will speak with you. The healthcare provider will give you information to help you make this decision and will help to answer any questions you may have.

What Does it Mean to Give Consent?

Consent must be:

- **Informed** – You will be given enough information to understand the decision you are making. You will also be able to ask questions.
- **Voluntary** – You must give consent voluntarily, without feeling pressured or intimidated. You have the option to refuse consent, say ‘no,’ or change your mind.
- **Specific** – Consent to being admitted to a care facility must be for a specific facility.
- **Given by a capable adult** – The person who gives consent (you or a substitute decision maker) must be able to understand the information given and how it applies to your personal situation (i.e., the consequences of the decision).

How do I give Consent?

You can give your consent in writing or verbally. When you consent to go to a care facility, a Ministry of Health consent form is completed. If you choose more than 1 facility, a separate consent form is required for each care facility.

What Does Capable Mean?

You are capable of making your own decisions about going to a care facility. If the healthcare provider who is helping you is worried that you may not understand the information about going to a care facility or how it applies to your situation, he or she will ask a qualified assessor to see you, to conduct an Incapability Assessment.

What is an Incapability Assessment?

This assessment is done when the healthcare provider is worried that you might not understand what a care facility is, what services are available to you, and how these services may be helpful to you.

You can participate in the assessment. If you choose not to, then the assessment will be completed based on other available information from your health records and care team.

If you are able to show that you understand the information to make this decision and that you understand how the decision will affect you (the ‘consequences’), you are capable of making this decision.

If you cannot show that you understand the information and the consequences of the decision, the qualified assessor will tell you that you are legally incapable of giving or refusing consent to care facility admission.

What Happens if I am Incapable of Consenting to Care Facility Admission?

The assessor must tell you if they decide that you are incapable of giving or refusing consent to go to a care facility.

You can request another assessment by a different assessor, if you do not agree with this decision.

A substitute decision maker will be chosen from the ranked list if you are incapable of making this decision. The substitute decision maker will consider what is in your best interest and will make the decision to consent, or not, for you to go to a care facility.

You may continue to be capable of making other decisions for yourself even if you are incapable of making a decision to go into a care facility.

