

I Decide My Future

Advance Care Planning

~ Living Will, Advance Directives, Power of Attorney ~

What is Advance Care Planning?

Advance Care Planning is a way for you to be clear about the amount and type of health care you want to have if you are not able to speak or make decisions for yourself.

This makes sure that your family, close friends and members of your healthcare team know what to do when you cannot be in control.

When you plan your care in advance, you give someone you trust the information and authority to act on your wishes for you. This person is called your Substitute Decision-Maker or SDM.

You can change your mind at any time.

Why is Advance Care Planning good to do?

- Planning ahead will give you peace of mind. It helps you take control of your future and get the health care you want.
- Sometimes health decisions are needed when you are too sick or not able to take part in the conversation.
- Clear instructions help prevent conflict and guilt with family and friends. They do not have to think about what your wishes may be – they know.
- Advance Care Planning also helps members of the health care team know what to do in an emergency and when looking after you.

Do I have to have an Advance Care Plan?

It is your choice to have an Advance Care Plan. There is no law in Canada to have one. You may also change your mind about your plan at any time.

What is a Living Will or Advance Directive?

These terms mean the same thing. They are the written documents that describe your Advance Care Plan.

What kinds of treatment decisions should I think about?

You should talk to your doctor first. Your doctor can make sure that you understand the choices you are making and that they fit your health situation.

Think about your values and beliefs to guide your choices.

You may ask, “What kinds of medical problems might come up?” This is called, “**What if**” planning. Here are some examples:

- **What if** I have pneumonia – what kind of treatment do I want?
- **What if** I cannot breathe without a machine?
- **What if** I cannot talk or write?
- **What if** someone else needs to speak on my behalf?
- **What if** my doctors recommend removing all machines?

For example you may want to make sure that you are not kept alive on artificial life support if there is no hope of recovery. If this is your wish, you could write this in your Advance Directive.

You may wish to donate your organs or skin. You can write this in your Advance Directive to make sure that your wish is followed.

You may wish to spend some more time talking about these topics with a social worker or other healthcare provider such as a nurse or friend in healthcare.

How do I make an Advance Care Plan?

There are 2 ways to do your Advance Care Plan:

- state your wishes orally
- write your wishes

State your wishes orally:

Your wishes can only be followed if your family, doctor, and/or Power of Attorney for Personal Care know what you want. You can tell them in person, or use a recording device such as an audiotape, videotape or DVD.

Your doctor may record oral wishes in your medical chart. You can change these wishes anytime if you are mentally capable. The most recent date on the chart will be the wishes followed.

Write your wishes:

You can write your wishes in any form such as typed, clearly printed, or handwritten. You can have a lawyer complete a document called, “Living Will” or “Advance Directive” or a document called a Power of Attorney for Personal Care.

You can buy a step-by-step computer program to complete a Living Will or Advance Directive. If you do this, have your lawyer look it over, sign and save a copy.

You can update these wishes anytime if you are mentally capable. The most recent date on the document will be the wishes followed.

Free guide to help

A guide to help you with Advance Care Planning has been developed by the Government of Ontario. This booklet is called, “A Guide to Advance Care Planning”.

You can get a copy by calling: Seniors’ INFOline: 1-888-910-1999.

You can get it online at: <http://www.seniors.gov.on.ca/en/advancedcare/>

Remember . . .

- Your wishes can only be followed if your family, close friends, doctor and/or Power of Attorney for Personal Care know what your wishes are.
- You may change your mind about your Living Will or Advance Directive at anytime but keep others informed of your changes.

Power of Attorney (POA)

Many people believe that if something happens and they are not able to make decisions for themselves, their family can do so for them. This is not always true.

Financial decisions:

You need legal authority. This means that you can name a person to do this for you in a document called **Continuing Power of Attorney for Property**.

Personal care decisions:

For decisions about medical treatments, where you live or what you eat, **you** can give legal authority to a person in a document called **Power of Attorney for Personal Care**. Without this document, only your family members have the legal authority to be your Substitute Decision-Maker if you have been found to be incapable of making your own decisions about your personal care.

This is important to think about. You do not have to do this. You never have to sign a **Power of Attorney for Personal Care** if you do not want to. If you do not have a **Power of Attorney for Personal Care** a member of your family may need to be appointed some day to make decisions for you.

What is a Power of Attorney?

Power of Attorney is a legal document in which you give another person the legal right to act on your behalf.

Your **Power of Attorney** should be someone you trust. In Ontario, the **Power of Attorney** must be 18 years or older.

Are there different kinds of Power of Attorney?

In Ontario, there are 3 kinds of **Power of Attorney**:

1. A Power of Attorney for Personal Care:

- This is a document in which you give someone the power to make health care and personal care decisions on your behalf **only** if you become mentally incapable of making them yourself. This person, called your Substitute Decision-Maker, must follow your known wishes and interest.
- The document covers all decisions about personal care. Personal care includes medical treatment, housing and long-term care, diet, clothing, hygiene and safety.
- The document may also include a description of your personal values and beliefs to guide your Substitute Decision-Maker in decision-making.
- The document can include your wishes about Advance Care Planning in a Living Will or Advance Care Directive.
- Your Substitute Decision-Maker **cannot** make a Living Will or Advance Directive for you **if** you become incapable. He or she can only give or refuse consent to treatment or make personal care decisions for you. Your Substitute Decision-Maker must only act upon your previous expressed wishes.

2. A Continuing Power of Attorney for Property:

- This document covers your financial affairs and allows the person you name the legal authority to make decisions on your behalf about your property. Property includes your money and anything else you own or possess such as a home.
- You can put limits on a **Continuing Power of Attorney for Property**. If you do not put limits, your Continuing Power of Attorney for Property can do almost anything with your property.
- This document can state when you would like it to be started, or it can be started as soon as you sign it.
- Your Continuing Power of Attorney for Property **cannot** make or change your Last Will and Testament, or change your **Power of Attorney** on your behalf.

3. A Power of Attorney for Property:

- This document covers your finances when you are away from home for a long period of time.
- For example, if you plan to be out of the country or in the hospital for a while, you might want someone else to manage your property **only while you are away**.

Remember . . .

All types of Power of Attorney end when you die. Your Last Will and Testament then comes into effect. Most often the Executor of your Will takes over property matters.

How do I make a Power of Attorney?

Most people go to a lawyer to seek legal advice and have the correct documents drawn up. Your lawyer keeps a copy of the document as well as you.

For more information:

You can talk to a Social Worker for more information about Power of Attorney. A Social Worker can help you talk about making these decisions and guide you through the steps.

Free information:

The Office of the Public Guardian and Trustee, under the Ontario Ministry of the Attorney General, has produced a Power of Attorney kit.

You can call for a copy: 1-800-366-0335.

You can get a copy online:

<http://www.attorneygeneral.jus.gov.on.ca/english/family/pgt/poakit.asp>

Final Words

Power of Attorney documents are very powerful. It is important to get legal advice and know your rights before signing any documents.

Your Health Care – Be Involved

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