

Guidelines for Self Determination

➤ **Overriding self determination?**

- **First and foremost an individual must be considered capable of making their own health and living decisions until determined otherwise.**

- **Some individuals are capable of making some decisions but not others.**
- **Determination of capacity to make their own decisions is based on their ability to understand the information needed to make the decision and the ability to understand the consequence of their decision.**

- **Law identifies three Acts that are involved:**
 - **Substitute Decisions Act**
 - **Health Care Consent Act**
 - **Mental Health Act**

- **It would be prudent to familiarize yourself with these Acts**
 - **www.gov.on.ca and “Laws”**

➤ **Decisions fall into two categories:**

➤ **Property**

➤ **Personal Care**

➤ **Property includes:**

➤ **Managing money**

➤ **Paying bills**

➤ **Banking**

➤ **Buying a house**

➤ **Investing**

➤ **Personal Care includes:**

- **Shelter**
- **Nutrition**
- **Hygiene**
- **Clothing**
- **Health Care**
- **Safety**

- **Health Care Decisions include:**
 - **Treatment**
 - **Admission to Long Term Care**
 - **Personal Assistance**

- **Health Care is the major area of personal decision making**

➤ **Who can decide if a person is capable of making Health Decisions?**

➤ **Health Treatment, it is the Health Practitioner providing the treatment.**

➤ **Should the health Practitioner find the client incapable they must inform the client of the finding and what that means to the client.**

- **The client then has the right to challenge the findings and make application to the Consent and Capacity Board should they choose to do so.**
- **If the client is identified as incapable of making the treatment decision then the SDM would be responsible to make the decision.**

- **The following is the HCCA hierarchy of possible SDM's**
 - **Court appointed guardian**
 - **Attorney for personal care**
 - **CCB appointed representative**
 - **Spouse**
 - **Parent or child**

- **Access-only parent of a minor**
- **Brother or sister**
- **Any blood relative by blood, marriage or adoption**

- If there is no SDM available to the client the Public Guardian and Trustee's Treatment Decision's Unit would make a decision on the client's behalf.
- The Regulated Health professional who determines the individual is not capable of making the health decision would be the person who makes application to the PGT Office.

- It is best to start the transition planning early. Discussions with the individual about identifying a SDM they are comfortable with that they can share their wishes and treatment goals with.
- Educate the individual of what the aging process will include related to

their living arrangements, health status, support needs.

- Facilitate a tour of a LTC facility or alternate living environment, so the individual is able to understand what you may be discussing once the aging process occurs.

- Empower the individual by assisting them with identifying what their goals and wishes are and who will act on their behalf if they are no longer able to do so.
- Educate the individual on what the range of services available are.

- Educate the individual on the what the benefits of accessing services for the aged or changing living environments could be along with what the disadvantages would be
- Encourage the individual to discuss planning with their physician and facilitate these discussions as needed.

- **References:**

- **OPPAD (Ontario Partnership on Aging and Developmental Disabilities)**
- **ACELAW (Advocacy Centre for the Elderly)**
- **NACA (National Advisory Counsel on Aging)**
- **HCCA (Health Care Consent Act)**
- **SDA (Substitute Decisions Act)**