

# Duties of a Substitute Decision Maker - British Columbia

## THE ROLE OF A SUBSTITUTE DECISION MAKER IN BRITISH COLUMBIA

### Supporting Health Care and Care Facility Admission Decisions

If a loved one becomes incapable of making decisions about their health care or moving into a care facility, you may be asked to step in as a substitute decision maker.

### Who Can Act as a Substitute Decision Maker?

In British Columbia, a substitute decision maker may be: - A court-appointed guardian or committee of person - A representative named in a representation agreement with the proper authority - A person chosen by a health care provider (for medical decisions) or care facility manager (for admission decisions), based on the following order:

- Spouse
- Child (no preference among children)
- Parent
- Sibling
- Grandparent
- Grandchild
- Relative by birth or adoption
- Close friend
- In-law or someone related by marriage
- Person authorized by the Public Guardian and Trustee

### Responsibilities When Giving or Refusing Consent

Health Care Decisions When making medical decisions, you must:

- Consult with the adult whenever possible
- Follow the adult's known instructions or wishes
- If no instructions are known, act in the adult's best interests

If you want to read more about how to create a living will, Visit this link below:

<https://www.merchantlaw.com/living-will-bc/>

# Duties of a Substitute Decision Maker - British Columbia

To determine best interests, consider:

- The adult's current wishes, beliefs, and values
- Whether the proposed care is likely to improve the adult's health or well-being
- If the adult's condition might improve without the treatment
- If the potential benefits outweigh any risks
- Whether a less invasive option could be just as effective

Admission to a Care Facility When asked to consent to care facility admission, you must:

- Consult with the adult, and any spouse, friend, or relative offering to assist
- Make a decision that reflects the adult's best interests

In determining best interests, you should weigh:

- The adult's present and past wishes, values, and beliefs
- Whether the facility admission would benefit the adult
- If there is a less restrictive or more suitable alternative available

**Note: If the adult previously expressed a desire never to live in a care facility, this should be taken into account, but it does not automatically control your decision.**

Final Reminder As a substitute decision maker, your role is to honour the choices your loved one would have made if they were able-not your own preferences.

If you need guidance, speak to a health care provider or facility manager.

**For More info Contact Merchant Law Group LLP**

