

Advance Care Planning Terms – What You Need to Know

The Basics of Advance Care Planning

- Think about what matters most to you – your beliefs, values and wishes
- Talk with friends, family and healthcare providers about what would matter most to you if you were too sick to make your own decisions
- Create your written or recorded (audio or video) expression of wishes

An Advance Care Plan can be as simple as a conversation explaining what would be most important to you if you couldn't make decisions for yourself, or as comprehensive as a detailed recording of your wishes, values and beliefs. An Advance Care Plan makes it easier for others to make health and personal care decisions on your behalf – the very decisions you would make yourself, if you were able.

Representation Agreement (In BC law, this is known as an Enhanced Representation Agreement – Section 9) A [Representation Agreement](#) is a legal document that allows you to name someone to make personal care and healthcare decisions for you when you can't make them yourself. Your Representative can make life support or life-prolonging medical decisions for you. Your Representative **may NOT** make **Medical Assistance in Dying (MAiD)** decisions. You do not need a lawyer or notary public to make a Representation Agreement.

Temporary Substitute Decision Maker

If you are incapable of making your own healthcare decisions and you do not have a Representation Agreement or an Advance Directive (specifically addressing the decision that needs to be made at the time), healthcare providers will ask a Temporary Substitute Decision Maker to make decisions for you. This person is chosen from a ranked list of substitutes: spouse, child, parent, sibling, grandparent, grandchild, anyone related by birth or adoption, close friend, or person immediately related by marriage. The person must be 19 or older, be capable, have no dispute with you, and have been in contact with you in the past year. A Temporary Substitute Decision Maker has limited authority – they cannot withdraw consent to continuation of life-preserving decisions unless healthcare providers agree that the withdrawal is *medically appropriate*. A Temporary Substitute Decision Maker is appointed for only 21 days at a time – because the law recognizes that you did not ask for this person.

Enduring Power of Attorney

An Enduring Power of Attorney is a legal document you can use to give someone you trust the authority to carry out financial and legal transactions for you – to *stand in your shoes*. Transactions might include paying your bills, cashing your cheques, or making other legal or financial decisions. The person named in this document cannot make health or personal care decisions for you. An Enduring Power of Attorney should be created by a lawyer or notary public. It must include the following statement: “*My Attorney may exercise the authority granted by this Enduring Power of Attorney while I am capable of making decisions about my financial affairs, and this authority continues despite my incapability to make those types of decisions.*”

Advance Directive

A BC Advance Directive is a legal document which allows you to state your decisions about accepting or refusing healthcare treatments, including life-prolonging medical interventions, directly to a healthcare provider. No one will be asked to decide for you. In BC, an Advance Directive must be followed when it specifically refers to the healthcare decision needed at the time. When this is not the case, the healthcare provider(s) will get a decision from a legal *Representative* or a *Temporary Substitute Decision Maker*. An Advance Directive cannot be used to request *Medical Assistance in Dying*. You do not need a lawyer or notary public to make an Advance Directive.