

Ask your patients who their Substitute Decision Maker is

As health care providers, before providing treatment, you must get informed consent from the patient or from their Substitute Decision Maker (SDM) if the patient is not mentally capable. Advance Care Planning is not consent, but good Advance Care Planning conversations prior to a health crisis can help your patients and their loved ones be better prepared to make informed health care decisions when the time comes.

What can you do?

Encourage your patients to identify their SDM

The first step of Advance Care Planning is deciding who will be your SDM. In Ontario, there are two ways your patients can decide who their future SDM will be:

- 1) Confirm their automatic future SDM from the [hierarchy](#)
OR
- 2) Choosing someone else to act as their SDM by preparing a [Power of Attorney for Personal Care](#) (a legal document)

The Hierarchy of Substitute Decision Makers (SDMs)

Health Care Consent Act s.20

A patient's SDM is the person(s) in that particular patient's life who is the *highest* ranking in the hierarchy and meets the *requirements* to act as an SDM.

1. Guardian of the Person
2. Attorney named in Power of Attorney for Personal Care
3. Representative appointed by the Consent and Capacity Board
4. Spouse or partner
5. Child or Parent or CAS (person with custody of child)
6. Parent with right of access
7. Brother or sister*
8. Any other relative*
9. Office of the Public Guardian and Receiver

*When a person has multiple family members at the same level on this hierarchy, they can choose or require that only one act as the SDM. Equally ranked family members cannot agree, then the health care provider would turn to the next level in the hierarchy.

When do SDMs make health care decisions?

SDMs only make health care decisions for a patient if the patient is deemed mentally incapable by the health care professional offering the treatment.

Requirements to be an SDM

The person(s) highest in the hierarchy can act as an SDM only if he/she is:

- a. Mentally capable with respect to treatment proposed,
- b. 16 years of age unless he/she is the parent of the incapable person,
- c. Not prohibited by court order or separation agreement from having access to the incapable person or giving or refusing consent on his/her behalf,
- d. Available, and
- e. Willing to assume the responsibility of giving and refusing consent

[Click here to view the hierarchy](#)

Learn more about Substitute Decision Making from our local ACP initiative
Conversations Worth Having

www.acpww.ca