

# SUBSTITUTE DECISION MAKERS

## (Who decides for you if you cannot)

If you are incapable and cannot make health care decisions for yourself, your doctor will turn to someone else for consent.

In Ontario, there is a law that outlines who gets to decide for you called the “Health Care Consent Act” (HCCA). The arrows show the order in which a decision-maker would be approached by a doctor.

Substitute Decider	How Chosen	When
Guardian of the Person <sup>1</sup> ↓	By application to Public Guardian Trustee (PGT) ↓	For ongoing personal care decisions in identified areas <b>when</b> you are incapable ↓
<b>Power of Attorney for Personal Care<sup>2</sup></b> <b>(Anybody you pick)</b> ↓	<b>By you</b> ↓	<b>In advance while you are capable.</b> <b>For personal care decisions later if you become incapable</b> ↓
Board-Appointed Representative ↓	By Consent and Capacity Board upon application by you or proposed representative ↓	Appointed for treatment decision(s) <b>when</b> you are incapable ↓
Spouse or partner ↓	By health care provider based on list in HCCA ↓	Consent for specific treatment decision <b>when</b> you are incapable ↓
Child or parent <sup>3</sup> ↓	By health care provider based on list in HCCA ↓	Consent for specific treatment decision <b>when</b> you are incapable ↓
Parent with right of access ↓	By health care provider based on list in HCCA ↓	Consent for specific treatment decision <b>when</b> you are incapable ↓
Brother or sister ↓	By health care provider based on list in HCCA ↓	Consent for specific treatment decision <b>when</b> you are incapable ↓
Any other relative	By health care provider based on list in HCCA	Consent for specific treatment decision <b>when</b> you are incapable

<sup>1</sup> If a Guardian of the Person is appointed, he/she ranks above **all others** on the list

<sup>2</sup> If you appoint a Power of Attorney for Personal Care, he/she ranks above a listed family member or representative

<sup>3</sup> Or a children’s aid society or other person who is lawfully entitled to give or refuse consent to the treatment in the place of the parent