

SUBSTITUTE DECISION MAKERS

(Who decides for a patient if they cannot)

If a patient is incapable and cannot make health care decisions, a physician is required to turn to someone else for consent.

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

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

¹ If the patient appoints a Power of Attorney for Personal Care, he/she ranks above a listed family member or representative

² 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